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EXTRA SESSION  
1900

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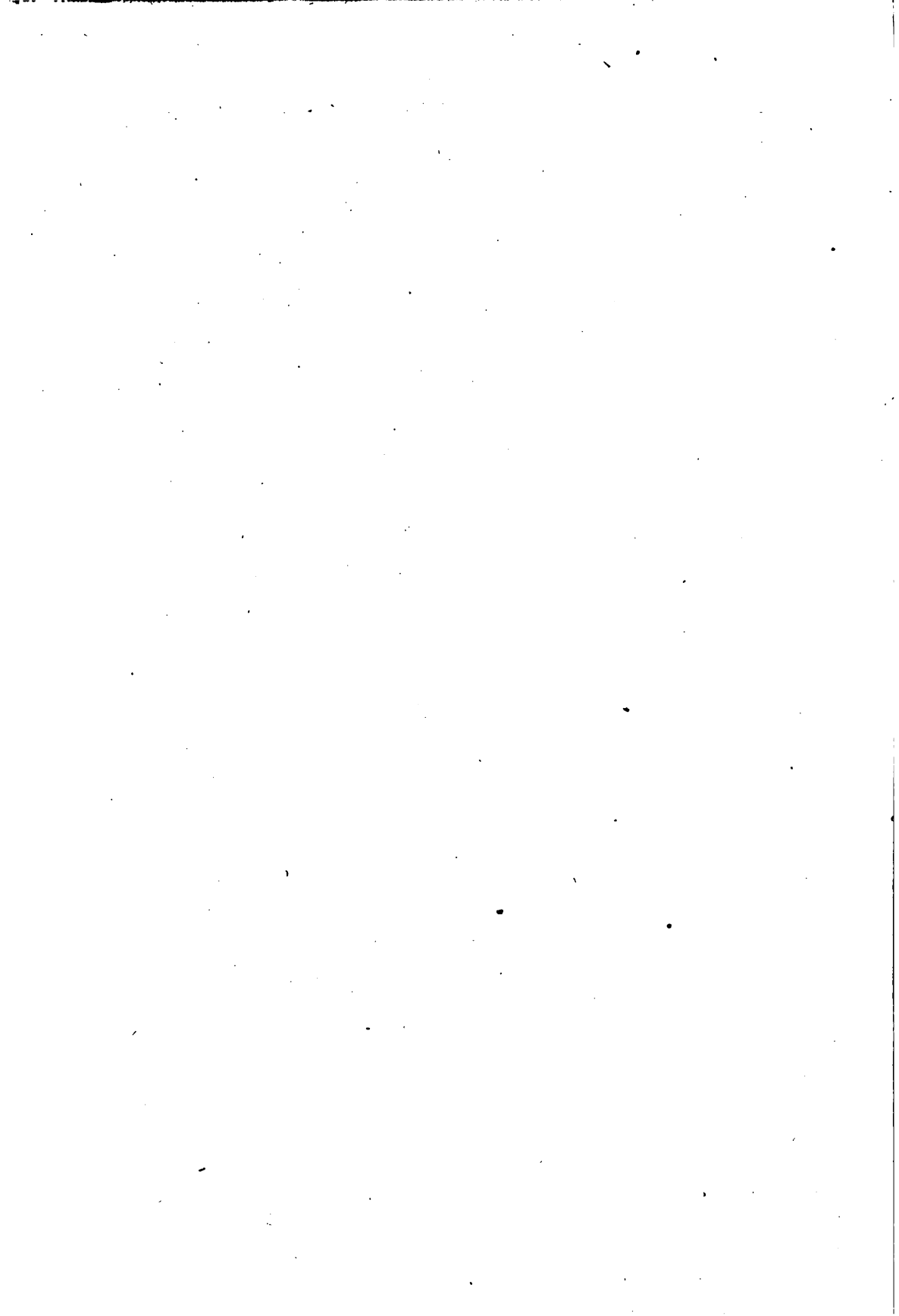
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JOURNAL  
OF THE 95-905  
HOUSE OF REPRESENTATIVES

OF THE  
STATE OF MICHIGAN

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EXTRA SESSION, 1899-1900

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Printed by virtue of an act of the Legislature, under the direction  
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LEWIS M. MILLER

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1900





# HOUSE OF REPRESENTATIVES.

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Lansing, Monday, December 18, 1899.

Pursuant to a proclamation of His Excellency, Hon. Hazen S. Pingree, Governor of the State of Michigan, the members of the House of Representatives assembled in their Hall in the capitol in the city of Lansing.

The Speaker, Hon. Edgar J. Adams, called the House to order at 12 o'clock noon.

Prayer by the Rev. Mr. Allen.

The roll of the House was called by the Clerk, and the following members answered to their names:

Mr. Aldrich	Mr. Gillette	Mr. Murdoch
Alward	Goodell	Murphy
Anderson	Goodrich	Nash
Babcock	Goodyear	Nevins
Baumgærtner	Hall	Oberdorffer
Brownell	Hammond	Pearson
Bryan	Handy	Phillips
Burch	Hart	Randall
Burdick	Hatzenbuehler	Reed, G. W.
Burfoot	Heck	Reed, W. A.
Buskirk	Heineman	Robinson
Caldwell	Herrig	Rulison
Carton	Hofmeister	Schmidt
Chamberlain	Howell	Scully
Chandler	Keep	Shisler
Cheever	Kelly	Soper
Colby	Kerr	Stewart
Collins	Kingott	Stumpenhusen
Colvin	Laflamboy	Sutherland
Davis	Locher	Taziman
Dickinson	Lugers	Van Camp
Dingley	Lusk	Waterbury
Doyle	McCall	Weier
Dudley	McCallum	Wheeler
Duff	McKay	Whitney
Eikhoff	McLean	Wood
Fleischhauer	Mason	Woodruff
Foster	Miller	Speaker
Gillam	Moore	

The following members were found to be absent: Messrs Crosby, Gordon, Gray, McLeod, Niedermeier, Pack, J. H. Read, Shepherd, Watters, Wayne, Wells, Weter, and Wing.

On motion of Mr. Dudley,

Leave of absence was granted to all absentees for the day.

On motion of Mr. McCall,

Leave of absence was granted to Mr. Crosby until Monday next.

The Speaker directed the Clerk to read the proclamation of the Governor convening the Legislature in extra session, which was as follows:

#### PROCLAMATION.

To all whom it may concern,—Greeting:

By Section 6 of Article 5 of the Constitution of the State of Michigan, it is provided that the Governor shall take care that the laws be faithfully executed.

By Section 7 of the same Article, he is given the power to convene the Legislature on extraordinary occasions.

Under Section 10, Article 14, the State may continue to collect all specific taxes accruing to the treasury under existing laws, and it may provide for the collection of specific taxes from banking, railroad, plank road and other corporations.

By Section 11 of Article 14 it is made the duty of the Legislature to provide an uniform rule of taxation.

By Section 12 of the same Article, "All assessments hereafter authorized shall be on property at its cash value."

These provisions have been a part of the fundamental law of the State since 1850.

In violation of the spirit, if not the letter, of these provisions of the Constitution, laws have been passed from time to time by which railroad companies, express companies, telegraph and telephone companies now owning, according to their sworn returns, at least one-third of the property of this State, are required to pay only about one-twenty-sixth of the taxes levied for State, county and municipal purposes, leaving their just proportion of supporting our schools, asylums and other public institutions, and defraying the public expenses to fall upon the farmers, laborers, manufacturers and other property owners of the State.

Realizing this condition of affairs, the people of the State almost with one voice demanded the enactment of a law, or laws, which should compel all persons to pay their just proportion of taxes.

In recognition of this demand, the Fortieth Legislature enacted two laws. One of these was an act to provide for the assessment and levy of taxes upon the property of railroad, express, telegraph and telephone companies, known as the "Atkinson Law." The other is an act amending the general tax laws by creating a board of State tax commissioners with supervisory control of tax officers, empowered to review and correct assessment rolls, and with other powers. It is generally known as the "Oren Law."

On April 26 last, the Supreme Court of Michigan rendered a decision in the cases known as the telephone cases which practically invalidated the "Atkinson Law." Because of that decision, an amendment to the Constitution of Michigan is imperatively necessary, before laws can be enacted providing for the equal taxation of all property.

In order to so amend the Constitution, the Legislature must pass a joint resolution providing for the submission of the amendment to the people at the next spring or autumn election.

I regard the situation as extraordinary and one that demands an immediate remedy which can only be given by the Legislature.

It is the duty of the Governor, under his oath of office, to see that the Constitution of the State is obeyed and the laws faithfully executed, and to submit to the Legislature from time to time his views upon existing mischiefs so that a remedy can be provided.

In obedience to this duty I hereby call the Legislature of the State to meet in extraordinary session on Monday the eighteenth day of December, 1899, at noon of that day, to consider the submission of an amendment, or amendments, to the Constitution which will permit the enactment of laws that will provide for the equal taxation of all property by the assessment of the same at its cash value, and such other matters as shall be submitted by special message.

Given under my hand and the Great Seal of the State of Michigan, at the Capitol, in Lansing, this 18th day of December, in the year of our Lord, one thousand eight hundred and ninety-nine, and of the Independence of the United States the one hundred and twenty-fourth.

H. S. PINGREE,  
Governor.

[Seal.]

By the Governor:

WILLARD K. BUSH,  
Deputy Secretary of State.

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MICHIGAN,  
DEPARTMENT OF STATE.

I, Justus S. Stearns, Secretary of State of the State of Michigan, do hereby certify, that the annexed copy of a proclamation by the Governor, convening extra session of the Legislature, is a true and correct transcript of the original which is on file in the Department of State.

In witness whereof, I have hereunto set my hand and affixed the Great Seal of the State of Michigan, at Lansing, this 18th day of December, in the year of our Lord one thousand eight hundred and ninety-nine.

J. S. STEARNS,  
Secretary of State.

[Seal.]

The Speaker then addressed the House as follows:

Gentlemen of the House:

My predecessor said at the opening of the extra session of 1898 "the unexpected has happened." I can simply say, the unexpected has again happened.

Upon laying down the gavel at the close of the last session, the thought that I should ever again be called to preside over the deliberations of the Michigan House of Representatives had no place in my mind. But our Governor, in discharging the duties of his high office, has in his wisdom called us together to further consider the all important question of equal taxation. The public duty of maintaining a state government for the administration of our laws, the transaction of the business of the com-

monwealth, and the burden of providing and maintaining a great university of which every citizen is justly proud, a normal college for the training of teachers for our city schools, two normal schools for the preparation of teachers to carry training and culture into the most remote corners of our agricultural districts, a great agricultural college, a college of mines, a school for the deaf and another for the blind, an industrial school for boys and another for girls and a State public school at Coldwater, four great asylums for the care and treatment of our mentally sick and infirm, a home for the feeble minded, and three great penal institutions for the confinement and punishment of those who transgress our laws, is a heavy burden upon our people.

That all this must be done, that life, liberty and home may be secure, cannot be doubted. It then becomes a necessity that this burden shall rest equally and equitably upon the shoulders of our people. As how best to accomplish this much desired result, may well admit of broad debate.

It becomes us as men, faithful servants of the people, and loyal citizens of our beloved State, to set about solving the great problem of equalizing the public burden without fear or favor, and with energy and respect for the opinions of fellow members, discharging the duty now resting upon us, with an eye single to the best good of the whole State, to the end that every dollar's worth of taxable property shall bear its full and exact share of the public burden, whether it be owned by the greatest corporation or the humblest citizen.

It is highly important that we remember that our time belongs to the State and must not be wasted. While hasty legislation may be worse than time wasted, yet unnecessary delays must be avoided. Let us do the work appointed promptly, and adjourn.

Before entering upon the arduous duties before us, let us pause to breathe a prayer for a distinguished member of the minority, Representative Pack, whose service as a fellow member commanded the admiration and respect of all. Upon laying aside the duties of a law maker he took up the burden of enforcing law and order in the far away Phillipines, and while we are today secure in our rights of person and property, he is exposed to the dangers of Aguinaldoism. May the great Commander-in-Chief speedily bring his mission to a successful close and jealously protect him from all its manifold dangers.

It is fitting, too, that we pause for the moment and breathe an eulogy over the tomb of a fellow member, who ably and honestly served his people and reflected credit upon the constituency that honored him with their confidence. Our esteemed fellow member, the late Representative Wing, of Barry county, has responded to the roll call of the Great Ruler, and his voice is heard among us no more forever.

He has but gone the way of all men. Remembering that mortal life is but as a hand's breadth, and the greatest crown that can be placed upon the brow of man is the "well done, thou good and faithful servant," of the all wise Father of Fathers, let us proceed to the work before us.

What is the pleasure of the House?

The Sergeant-at-Arms announced a committee from the Senate, who announced that that body was ready for business, and retired.

Mr. McKay offered the following:

Resolved, That a committee of three be appointed by the Speaker to

wait upon the Senate and to inform that body that a quorum of the House is present and is ready to proceed to business.

Which was adopted.

The Speaker announced as the committee under the resolution, Messrs. McKay, Whitney and Weier.

After a short absence the committee returned and reported that they had performed the duty assigned them and were discharged.

Mr. Lusk offered the following:

Resolved, That Representative Moore be permitted to exchange seat 39 for seat 97, and Representative Wood be permitted to exchange seat 51 for seat 45; these changes being agreeable to the parties interested.

Which was adopted.

Mr. McCall offered the following:

Honorable Myron Wing, Representative from Barry county, was born in Eagle, Wyoming county, New York, in 1837, and died at his home in Barry county, Michigan, July 12, 1899.

“As time goes on the road grows strange,  
And near the end  
The mile stones into head stones change—  
Neath every one a friend.”

Whereas, The Legislature of Michigan has learned, with profound sorrow, of the death of Honorable Myron Wing, Representative from Barry county, in this and the preceding Legislature; and

Whereas, We desire to express our appreciation of his honesty, integrity, and generous character; be it

Resolved by the House (the Senate concurring), That in the death of Honorable Myron Wing the State has lost one whose life was irreproachable and whose most earnest desire was the welfare of the commonwealth; and be it further

Resolved, That the sympathy and condolence of the Legislature of Michigan be extended to the sorrowing family of deceased, that a copy of these resolutions be forwarded to his bereaved wife, by the Secretary of State, and that they be made a part of the records of this body.

Pending the order that the resolution lie over one day under the rules, On motion of Mr. Alward,

The rules were suspended, two-thirds of all the members present voting therefor, and the resolution was put upon its immediate consideration.

The resolution was then adopted.

Mr. Kerr offered the following:

Resolved, That the daily sessions of this House shall begin at ten o'clock a. m. and two o'clock p. m. during the period of the extra session. Which was adopted.

Mr. Cheever offered the following:

Resolved, That a committee of three be appointed to act with a like committee from the Senate to wait upon his Excellency the Governor, and to inform him that a quorum of each house is present and ready to receive any communication which he may be ready to make.

Which was adopted.

The Speaker announced as the committee under the resolution, Messrs. Cheever, Scully and Oberdorffer.

After a short absence the committee returned and reported that they

had performed the duty assigned them, and that the Governor had named the hour of 3:30 o'clock this afternoon as the hour when he would be pleased to meet the two houses in joint convention.

Report accepted and committee discharged.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, Dec. 18, 1899.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to transmit to the House the following concurrent resolution:

Resolved (the House concurring), That the two houses meet in joint convention at 3:30 o'clock p. m. today, for the purpose of receiving any communication the Governor may be pleased to make;

And to inform the House that the resolution has been adopted by the Senate. In this action of the Senate the concurrence of the House is respectfully asked.

Very respectfully,  
CHARLES S. PIERCE,  
Secretary of the Senate.

The question being on concurring in the adoption of the resolution,  
The resolution was adopted.

On motion of Mr. Nevins,

The House took a recess until 3:15 o'clock this afternoon.

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AFTERNOON SESSION.

3:15 o'clock p. m.

The House met and was called to order by the Speaker.

A quorum present.

Mr. Aldrich moved that a committee of three be appointed to notify the Senate that the House is ready to receive them in joint convention to receive any communication which His Excellency the Governor may be pleased to make.

Which motion prevailed.

The Speaker appointed as such committee, Messrs. Aldrich, Stumpenhusen and Burch.

After a short absence the committee returned and reported that they had performed the duty assigned them, and were discharged.

Mr. Burch offered the following:

Resolved, That the Clerk of the House be and is hereby instructed to notify the prosecuting attorney of Ingham county and the members of the grand jury now in session in said county that the members of the House of Representatives do hereby waive any and all claims of privilege in the service of any process that may issue from said grand jury.

The question being on the adoption of the resolution,

Mr. Burch demanded the yeas and nays.

The demand was seconded, and the resolution was adopted, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich	Mr. Goodrich	Mr. Nash
Alward	Goodyear	Nevins
Anderson	Hall	Niedermeier
Babcock	Hammond	Oberdorffer
Baumgaertner	Handy	Pearson
Brownell	Hart	Phillips
Bryan	Hatzenbuehler	Randall
Burch	Heck	Reed, G. W.
Burdick	Heineman	Reed, W. A.
Burfoot	Herrig	Robinson
Buskirk	Hofmeister	Rulison
Caldwell	Howell	Schmidt
Carton	Keep	Scully
Chamberlain	Kelly	Shisler
Chandler	Kerr	Soper
Cheever	Kingott	Stewart
Colby	Laflamboy	Stumpenhusen
Collins	Locher	Sutherland
Colvin	Lugers	Taziman
Davis	Lusk	Van Camp
Dickinson	McCall	Waterbury
Dingley	McCallum	Weier
Doyle	McKay	Wells
Dudley	McLean	Weter
Duff	Mason	Wheeler
Eikhoff	Miller	Whitney
Fleischhauer	Moore	Wood
Foster	Murdoch	Woodruff
Gillette	Murphy	Speaker
Goodell		

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## NAYS.

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Mr. Kelly offered the following:

Resolved, That the clerk of the House be instructed to draw orders for mileage in accordance with the report of the committee on mileage in the regular session of 1899.

Which was adopted.

The Sergeant-at-Arms announced the Honorable the Senate, who were conducted to seats.

## PROCEEDINGS IN JOINT CONVENTION.

The Joint Convention was called to order by the Lieutenant Governor and President of the Senate—Orrin W. Robinson, President of the Joint Convention.

The roll of the Senate was called by the Secretary thereof, and a quorum of the Senators was present.

The roll of the House was called by the Clerk thereof, and a quorum of the members was present.



The Lieutenant Governor and President of the joint convention announced that the joint convention had met to receive such communication as His Excellency the Governor might be pleased to make.

Senator Giddings moved that a committee of two members from the Senate and three from the House be appointed to wait on the Governor and inform his Excellency that the two houses are met in joint convention and are ready to receive any communication he may desire to make; Which motion prevailed.

The President announced as such committee Senators Giddings and Brown, and Representatives Duff, Goodrich and Schmidt.

After a short absence the committee returned and reported that they had performed the duty assigned them, and were discharged.

Mr. Chamberlain moved that a committee of three from the House and two from the Senate be appointed to invite the Supreme Court and State officers to attend the joint convention.

Which motion prevailed.

The President announced as such committee Messrs. Chamberlain, Davis and Babcock, and Senators Davis and Stoll.

After a short absence the committee returned and reported that they had performed the duty assigned them, and were discharged.

The Sergeant-at-Arms announced His Excellency the Governor, and the State officers, who were conducted to seats.

The President of the joint convention announced His Excellency the Governor, who addressed the House as follows:

To the Senate and House of Representatives:

You have been called together in special session by proclamation to consider the submission of an amendment, or amendments, to the constitution, which will permit the enactment of laws that will provide for the equal taxation of all property by the assessment of the same at its cash value.

I deem the occasion an extraordinary one. The inequality of our system of taxation is so great and so manifest that immediate steps should be taken to remedy it.

I regret the inconvenience and expense of a special session. But it is apparent that, if the wishes of a very large majority of the people of the State are entitled to respect, a special session is imperative at some time prior to the fall election of 1900.

This is so because the people have demanded legislation which will be effectual in bringing about equality of taxation.

It has been clearly indicated by the Supreme Court of the State that such legislation cannot be enacted until the constitution is amended.

The constitution cannot be amended until the amendment is submitted to the people at the next spring or autumn election.

In order, therefore, that the legislature of 1901 may enact equal taxation laws, it is necessary to call a special session of this legislature at some time before next November, to provide for the submission of a constitutional amendment to the people at the general election next fall.

If no special session were called prior to the general election next fall, the duty of authorizing the submission of a constitutional amendment would devolve upon the legislature of 1901.

In such case, equal taxation laws could not be enacted until the legislature of 1903.

It will be readily observed, therefore, that the calling of a special session at this time makes it possible to enact equal taxation laws two years sooner than if this special session were not convened.

It seems to me that the saving in taxes during those two years, by those who are now paying more than their share, fully justifies the expense of the present special session, which will be about two cents on each \$1,000, in value of property.

It is unnecessary for me, in this message, to discuss at length the existing inequalities of taxation, or to point out the classes of corporations which escape the payment of their just proportion of taxes, or the unfairness and inequality of the theory of specific taxation upon gross earnings, as at present applied.

This subject has been thoroughly and exhaustively debated by you already.

The arguments and opinions, which I have from time to time advanced, are contained in my messages to the legislature of 1897 in regular session, to the same legislature in special session in 1898, and to the legislature of 1899.

There is nothing new in the recommendation that corporate property paying specific taxes be assessed and taxed upon its cash value.

In 1877, Governor Bagley took occasion, in his address to the Senate and House of Representatives, to emphasize the inequalities of specific taxation of corporate property, which he contended should be taxed locally, according to its value, like other property. In the same year, Governor Croswell recommended improved methods for uniformity in levying taxes. In 1897, Governor Luce recommended the equalization of taxation, and in 1891 recommended for the purpose of revenue, a tax on bequests, on corporations, and an income tax. In 1891, Governor Winans recommended equalizing taxation as between classes of property paying specific taxes and property under assessment, claiming that the assessed property pays double the tax paid by property upon which specific taxes are levied. He favored the local taxation of corporate property and doubted the policy of exempting any property from equal taxation.

The question is one, therefore, no longer for debate, but for energetic action, as it has been under consideration for 22 years.

You will recall that during the last session of your body the Supreme Court indicated that the Atkinson Act was unconstitutional. Accordingly a joint resolution, providing for the submission to the people of an amendment to the constitution under which laws could be enacted taxing railroads and other corporate property upon its value, instead of specifically upon gross earnings, was framed.

This joint resolution passed the House, receiving the necessary two-thirds vote, and was sent to the Senate on June 2, fourteen days before the legislature ceased doing business.

It was referred to the proper committee in the Senate. Why it failed of passage in that branch of the legislature is a matter of conjecture. It is claimed that the amendment was an exceedingly important one, and that there was not sufficient time, during the closing days of the session, to give it the careful consideration which its importance merited.

Whatever may have been the motives of the members of the Senate, the present special session affords them an opportunity to give the subject matter of the resolution and amendment full and unprejudiced consideration.

I am aware that there are members of both branches of the legislature who believe that corporations, now paying specific taxes upon earnings, should not be taxed upon the assessed value of their property. This belief may be due to differing causes. I believe, however, that if they will lay aside their personal convictions in the matter, and be guided by the expressed wishes of their constituents, the joint resolution will be passed by both House and Senate.

The campaign for taxation of railroad and other corporate property upon its value, and for equal taxation generally, has been continuously conducted for the past three years. By convention and party pledges, and by majorities the significance of which no one can dispute, the people of Michigan have plainly indicated their opinion and wish in the matter.

By a plurality of 83,409 for Governor, in the fall of 1896, a presidential campaign, and of 75,097 in the fall of 1898, the people declared, with an emphasis which cannot be gainsaid, that specific taxes on earnings of railroad and certain other corporate property should be abolished, and all property taxed alike upon its actual cash value. These splendid majorities were not given to me personally, but were the verdict of the people for equal taxation.

The platform of the Republican party of 1898, to which nearly all of you owe allegiance, declared as follows:

"We commend the present State administration for its earnest efforts in favor of the equal and just taxation of the property of railroad, telegraph, telephone and express companies. We favor the immediate repeal of the tax upon the gross earnings of railroad companies and favor a tax to be levied upon the true value of railroad, telegraph, telephone and express companies' property, this value to be determined by a State board. The taxes collected therefrom shall be paid into the primary school fund. We endorse the principles of the Atkinson bill and pledge the support of the Republican party thereto."

The issue during these campaigns was clearly defined. The question was thoroughly discussed and debated in speeches and in the press in every part of the State.

Your rejection at this session of the joint resolution for the submission to the people of the constitutional amendment would be tantamount to a declaration that the people are incapable of understanding the question of taxation, even after thorough study and discussion. In other words, it would be equivalent to a confession that government by the people, through their representatives, is a failure.

The defeat of this joint resolution would also mean that the people who selected a large majority of you to represent them were not wise enough to decide for themselves whether railroad and certain other corporate property should be taxed in the same manner as all other property.

You, of course, understand that the joint resolution in question merely provides that the people be given an opportunity to settle the matter themselves. You assume no responsibility whatever in giving them that chance.

Taxation of railroad and other visible corporate property upon its cash value is equitable and right as a principle. It should be considered and debated only as a matter of principle. It is the only way to bring about equal taxation.

It is claimed by those who have been demanding taxation upon value that corporations, now paying specific taxes on earnings, have been con-

tributing less to the support of the burdens of government than they would if paying taxes upon value, the same as all others.

An actual appraisal of such property has never been made by public officials. Sufficient statistics, however, have been produced to clearly demonstrate that such corporations are escaping taxation to a large extent.

The following is a table showing in the first column the number of miles of railroad in each of the State of Indiana, Minnesota, Ohio and Wisconsin; in the second column, the assessed value of railroad property in each of these States, which nearly resemble Michigan in population and development; in the third column, the value at which Michigan's railroad property would be assessed if it were worth as much per mile as such property is in the other States mentioned; and in the fourth column, the population of each of those States:

	Miles.	Assessed value.	Michigan's value, based on value in other states.	Population.
Indiana .....	6,293	\$153,693,506	\$190,890,168	2,192,404
Minnesota .....	6,330	265,999,699	328,459,584	1,301,826
Ohio .....	13,316	626,535,219	385,367,880	3,672,316
Wisconsin .....	6,482	302,801,779	365,116,624	1,686,880

There are 7,816 miles of railroad in Michigan, and the railroads now pay specific taxes amounting to \$1,036,775.06. The population of Michigan at the last census was 2,093,889.

The average rate of taxation upon all property in the State, except that paying specific taxes, is over 2 per cent.

If Michigan railroad property is worth as much per mile as railroad property in Indiana (\$24,423 per mile, assessed value), and if it were taxed upon such a basis of value at 2 per cent, the railroads in this State would pay taxes amounting to \$3,817,803.36; upon the Minnesota basis of assessed value (\$42,024 per mile) they would pay \$6,569,191.68 taxes; upon the Ohio basis of assessed value (\$49,305 per mile) \$7,707,357.60 taxes; and upon the Wisconsin basis of assessed value (\$46,714 per mile), \$7,302,332.48 taxes.

But even admitting that such statistics are misleading, and granting that assessment upon actual cash value should result in the payment by the corporations in question of less taxes than they now pay, I would esteem it a privilege to be the first one to protest against a return to specific taxes upon earnings, for the reason that it is not the correct and just theory of taxation.

In the heat of the contest for equal taxation, I have been accused of an unreasoning desire to make corporations pay more than their share of taxes.

It is not "equal taxation" to force the richest corporation to pay a higher rate of taxes than the poorest individual, upon the actual cash value of their property.

Equal taxation is a matter of principle and there is no justice or equity in taxing one class of property specifically upon its earnings and another class upon its value, when property belonging to both classes can be seen and appraised and assessed at its actual cash value.

You have been censured for increasing taxes by the appropriations passed at the last session. Without discussing the justice of such

censure, it must be plain to you that railroads and other corporations, paying specific taxes, pay no part of that increase. The rate of their taxes is fixed. As the burdens of supporting the government grow, they contribute nothing to the increased expense. For illustration, railroads now pay no share of extra taxation made necessary by the recent war.

It is also well for you to remember that there are only three states in the Union in which railroads pay specific taxes upon gross earnings.

Respectfully submitted,

H. S. PINGREE,  
Governor.

After which,

The Governor and State officers retired, and

On motion of Senator Loomis the joint convention adjourned.

CHARLES S. PIERCE,  
Secretary of the Senate.

LEWIS M. MILLER,  
Clerk House of Representatives.

And,

Secretaries of the Joint Convention.

The Lieutenant Governor and Senators having retired,

The House was called to order by the Speaker.

A quorum present.

The Speaker announced that the House and Senate had met in joint convention, and listened to a message from His Excellency, the Governor.

Mr. Lusk moved that the message to which the House had just listened be referred to the committee on General Taxation.

Mr. Carton moved to amend the motion by making the reference to the committee on Judiciary.

Which motion prevailed.

The motion to refer, as amended, then prevailed.

Mr. Wayne, unanimous consent having been given, introduced House joint resolution No. 1, entitled

Joint resolution proposing amendments to sections ten, eleven and thirteen of article fourteen of the constitution relative to the taxation of corporations.

The joint resolution was read a first and second time by its title and, pending its reference to a committee,

On motion of Mr. Wayne

The joint resolution was referred to the committee on Judiciary.

The Speaker announced the following:

#### EXECUTIVE OFFICE, LANSING.

To the House of Representatives:

Your body, at its recent regular session, passed an act, being Act No. 174 of the Public Acts of 1899, entitled "An act to make an appropriation to furnish new boilers to replace those now in use at the Michigan Soldiers' Home and to provide a tax to meet the same."

By the terms of this act, the sum of \$15,000 was appropriated out of the general fund, and its use was limited to the purchasing of new steam boilers for the Soldiers' Home to replace those now in use.

The Board of the Soldiers' Home first made application to the legislature for the sum of \$8,000 for the purpose only of purchasing new boilers.

When your committee visited the Home for the purpose of examining into the necessity for such an appropriation, it advised that a larger amount be appropriated, namely, the sum of \$15,000, so that the new boilers might be purchased and a new building be erected in which to place them, and so that the new boilers might be properly connected with the other buildings. They also recommended that a small engine and an extra dynamo, for use in case of emergency, be installed in the new plant.

The Board of Managers of the Soldiers' Home understood that the act would be drafted so that the appropriation of \$15,000 could be used for all of the above named purposes.

The act, however, as finally passed, provided for the using of the \$15,000 only for the purpose of purchasing new boilers, and the sum appropriated, namely, \$15,000, was largely in excess of the amount needed for such purpose.

The act was approved June 23, 1899, the day before final adjournment, and it was impossible, therefore, to re-enact the law, in accordance with the recommendations of your committee.

When the contracts were ready for approval, the Auditor General, after an examination of the law, very properly expressed the opinion that the act as passed, by its terms, would not permit him to authorize the expenditure of the appropriation for the purpose for which it was intended by the board of managers and your committee.

The Attorney General also submitted an opinion that, under the terms of the Act, the Auditor General could not legally authorize the expenditure of the money for the purposes contemplated by the board.

The boilers now in use in the Soldiers' Home are 15 years old, and I am advised that they are unsafe and unable to do the work it is necessary for them to do. I, therefore, deem the cause an urgent one, and one which demands your immediate attention.

It appears to me that the failure to pass the law in form intended by the committee was accidental, and I, therefore, hereby submit this matter to you, and recommend that you enact a law making an appropriation out of the general fund for the fiscal year ending June 30, 1900, for the purpose of purchasing new steam boilers for the Michigan Soldiers' Home to replace those now in use; for the purchase of a new engine and dynamo; for the construction of a new building in which to place the same, and for the purchase of pipe, fittings and all other necessary connections.

Respectfully submitted,

H. S. PINGREE,  
Governor.

On motion of Mr. Hammond,

The message was referred to the committee on Soldiers' Home.

On motion of Mr. Stewart,

The House adjourned.

Lansing, Tuesday, December 19, 1899.

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by Rev. Mr. Loomis.

Roll called: quorum present.

Absent without leave: Messrs. Gray, Gustin, McLeod, Pack and Shepherd.

On motion of Mr. Chamberlain,

Leave of absence was granted to all absentees for the day.

#### REPORTS OF STANDING COMMITTEES.

By the committee on Soldiers' Home:

The committee on Soldiers' Home, to whom was referred the message of the Governor relative to the appropriations made by the last session for boilers for the Soldiers' Home,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the accompanying bill,

House bill No. 2, entitled

A bill to make available an appropriation to furnish new boilers to replace those now in use at the Michigan Soldiers' Home, being act number 174, public acts of eighteen hundred ninety-nine, approved June 23, 1899, for the following purposes, viz: The erection of a two-story boiler house, the erection of a brick chimney, the purchase and setting of boilers including breeching to connect same with smoke stack, pipes and connections, one new engine and one new dynamo;

Recommending that the bill do pass, and ask to be discharged from the further consideration of the subject.

D. JUDSON HAMMOND,  
Chairman.

Report accepted and committee discharged.

The bill was read a first and second time by its title, and pending its reference to the committee on Ways and Means,

On motion of Mr. Hammond,

The rules were suspended, two-thirds of all the members present voting therefor, and the bill was put upon its immediate passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Aldrich	Mr. Goodyear	Mr. Nevins
Alward	Gordon	Niedermeier
Anderson	Hall	Oberdorffer
Babcock	Hammond	Pearson
Baumgaertner	Handy	Phillips
Brownell	Hart	Randall
Bryan	Hatzenbuehler	Reed, G. W.
Burdick	Heck	Reed, W. A.
Burfoot	Heineman	Robinson
Buskirk	Herrig	Rulison

Mr. Caldwell	Mr. Hofmeister	Mr. Schmidt
Chamberlain	Howell	Scully
Chandler	Keep	Shisler
Cheever	Kelly	Soper
Colby	Kerr	Stewart
Collins	Kingott	Stumpenhusen
Colvin	Laflamboy	Sutherland
Davis	Locher	Taziman
Dickinson	Lugers	Van Camp
Dingley	Lusk	Waterbury
Doyle	McCall	Watters
Dudley	McCallum	Wayne
Duff	McKay	Weier
Eikhoff	McLean	Wells
Fleischhauer	Mason	Weter
Foster	Miller	Wheeler
Gillam	Moore	Whitney
Gillette	Murdoch	Wood
Goodell	Murphy	Woodruff
Goodrich	Nash	Speaker

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NAYS.

0

Title agreed to.

On motion of Mr. Hammond,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

#### MESSAGES FROM THE GOVERNOR.

The Speaker announced the following:  
To the House of Representatives:

Gentlemen—I feel it my duty to direct your attention to the law passed by this Legislature in its regular session, creating the Northern State Normal School, and providing an appropriation for the building and for the expense of instruction during the calendar years 1899 and 1900.

By the provisions of section 3 of this act, it was contemplated that this Normal School should open its doors for the reception of students on October 1, 1899. For the purposes of defraying the expenses of the school for the remaining three months of the calendar year 1899 an appropriation of \$2,500 was made according to the provisions of section 4 of said act; and for the further purpose of meeting the expenses of the school for the calendar year 1900 an appropriation of \$7,500 was made by the same section.

Acting under these provisions, the State Board of Education employed a principal and five instructors, established a course of study, and made ready for the reception of students during the last days of September of this year. The number of pupils enrolled at the institution has given a guarantee of the success of this young institution from the outset.

The act creating the school was passed early in the session and approved by myself on April 28, 1899. Later in the session Act No. 142



was passed. This act provides for a change in the accounting laws by the Auditor General, and extends the accounting year from December 31 of each year to June 30 of the following year. Under the revisions of Section 2 of Act No. 142, the appropriation met by the tax levied in the legislative year was extended for a period ending June 30 of the succeeding year. The Board of Control of the State Normal School was not aware that such a bill was being under discussion in the Legislature, and was not informed as to its existence as a law at the time the arrangements were made for the conduct of the school under the provisions of Act No. 51 above referred to. The school is therefore very seriously crippled by reason of the ruling of the Auditor General, to the effect that the \$2,500 appropriated for the conduct of the school for the remaining three months of the calendar year of 1899 must be the entire sum available for the school for the nine months ending June 30, 1900. This action by the Auditor General is justifiable, as it is in accordance with the provisions of Act No. 142.

I therefore call your attention to this condition of things, which, unless corrected by the special session of the Legislature, will work serious injury to the young and prosperous institution. I would, therefore, respectfully recommend that Section 2 of Act No. 142 be amended in such a way that its provisions will not apply to the act creating the Northern State Normal School. In making this recommendation, I am not asking for an additional amount, but simply desire that the amount appropriated by the provisions of Act No. 51 shall be set aside for the school as indicated in the law creating said school. I have faith that the Legislature of 1901 will give such attention and extend such assistance to the Northern State Normal School as its needs demand at that time.

All of which is respectfully submitted.

H. S. PINGREE,  
Governor.

On motion of Mr. McCallum,

The message was referred to the committee on Normal Schools.

On motion of Mr. Stewart,

The House took a recess until 11 o'clock this morning.

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AFTER RECESS.

11 o'clock a. m.

The House resumed the order of

#### REPORTS OF STANDING COMMITTEES.

By the committee on Normal Schools:

The committee on Normal Schools, to whom was referred the message of the Governor relative to the Northern Normal College,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the accompanying bill,

House bill No. 3, entitled

A bill to amend Section 2 of Act No. 142 of the Laws of 1899, entitled "An act to repeal Section 8 of Act No. 206 of the Laws of 1881, entitled 'An act to provide for the uniform regulation of certain State institutions,'" and amendments thereto, being Section 2230 of the Compiled Laws of 1897, and to provide for a change of the calendar to the fiscal

year, for all limited and standing appropriations where the specific act of the appropriation does not so provide.

Recommending that the bill do pass, and ask to be discharged from the further consideration of the subject.

GEO. P. McCALLUM,  
Chairman.

Report accepted and committee discharged.

The bill was read a first and second time by its title and, pending its reference to a committee,

On motion of Mr. McCallum,

The rules were suspended, two-thirds of all the members present voting therefor, and the bill was put upon its immediate passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Aldrich	Mr. Goodyear	Mr. Niedermeier
Alward	Gordon	Oberdorffer
Anderson	Hall	Pearson
Babcock	Hammond	Phillips
Baumgärtner	Handy	Randall
Brownell	Hart	Reed, G. W.
Bryan	Hatzenbuehler	Reed, W. A.
Burch	Heck	Robinson
Burdick	Heineman	Schmidt
Burfoot	Herrig	Scully
Buskirk	Hofmeister	Shisler
Caldwell	Howell	Soper
Carton	Keep	Stewart
Chamberlain	Kelly	Stumpenhusen
Chandler	Laflamboy	Sutherland
Cheever	Locher	Van Camp
Collins	Lugers	Waterbury
Dickinson	Lusk	Watters
Dingley	McCall	Wayne
Doyle	McCallum	Weier
Dudley	McKay	Wells
Duff	Mason	Weter
Eikhoff	Miller	Wheeler
Fleischhauer	Moore	Whitney
Foster	Murdoch	Wood
Gillette	Nash	Woodruff
Goodell	Nevins	Speaker
Goodrich		

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#### NAYS.

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Title agreed to.

On motion of Mr. McCallum,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

By the committee on Judiciary:

The committee on Judiciary, at a meeting held December 18, 1899, having been notified of the resignation of Representative Shepherd, the chairman of said committee, of his membership in this House, made unanimous choice of Representative Cheever as chairman of the committee to fill the place so made vacant.

HENRY M. CHEEVER.  
Chairman.

Report accepted.

By the committee on Judiciary:

The committee on Judiciary, to whom was referred the Governor's message, and also

House joint resolution No. 1, entitled

"Joint resolution proposing amendments to Sections 10, 11 and 13 of Article 14 of the Constitution of the State, relative to the taxation of corporations,"

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with amendments thereto, recommending that the amendments be concurred in, but reporting the bill without recommendation, and ask to be discharged from the further consideration of the subject.

HENRY M. CHEEVER,  
Chairman.

Report accepted and committee discharged.

The question being on concurring in the amendments made by the committee to the joint resolution,

The House concurred.

The question being, what disposition will the House make of the joint resolution,

On motion of Mr. Cheever,

The joint resolution was ordered printed and made the special order for 4 o'clock this afternoon.

On motion of Mr. Hart,

The House took a recess until 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

2 o'clock p. m.

The House met and was called to order by the Speaker.

A quorum present.

The House resumed the regular order.

#### PRESENTATION OF PETITIONS.

By mail to the Clerk: Telegram from Mr. Gustin, as follows:

"Alexandria, La., Dec. 19, 1899.

L. M. Miller, Clerk House Rep.:

Southern papers say legislature in special session. If so have Carton get me excused until next week. Wire what's up.

H. K. GUSTIN."

On motion of Mr. Lusk,  
The Clerk was instructed to send the felicitations of the House to Representative Gustin, and inform him "what is up."  
On motion of Mr. Carton,  
Leave of absence was granted to Mr. Gustin for the week.  
On motion of Mr. Colvin,  
Leave of absence was granted to himself for tomorrow.  
Mr. Kerr asked leave of absence for himself indefinitely after today.  
Which request was not granted.

## REPORTS OF STANDING COMMITTEES.

By the committee on Supplies and Expenditures:  
The committee on Supplies and Expenditures have had under consideration the following bills:

Bill of Western Union Telegraph Co..... \$12 59

Bill of Crotty Bros..... 1 00

And respectfully recommend that the same be allowed and ordered paid, and ask to be discharged from the further consideration of the subject.

J. H. DICKINSON,  
Chairman.

Report accepted and committee discharged.

The question being on concurring in the recommendation of the committee,

The House concurred, and the bills were allowed and ordered paid.

On motion of Mr. Alward,

The House took a recess until 3:45 o'clock this afternoon.

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AFTER RECESS.

3:45 p. m.

The House met and was called to order by the Speaker.

A quorum present.

Mr. Heineman moved that there be a call of the House.

Which motion prevailed.

## PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following member reported absent without leave: Mr. Foster.

On motion of Mr. Heineman,

The Sergeant-at-Arms was despatched after the absentees.

Mr. Eikhoff moved that the House proceed to the regular order of business.

Which motion did not prevail.

The Speaker announced that the hour had arrived for the

## SPECIAL ORDER,

Being the consideration of  
House joint resolution No. 1 (File No. 1), entitled  
Joint resolution proposing amendments to sections ten, eleven and thirteen of article fourteen of the constitution relative to the taxation of corporations.

Pending the consideration of the joint resolution,

Mr. Kelly moved that the House adjourn.

Which motion did not prevail.

On motion of Mr. Lusk,

The House went into committee of the whole, on the special order.

Whereupon the Speaker called Mr. Heineman to the chair.

After some time spent therein, the committee rose, and through their chairman, made the following report:

The committee of the whole have had under consideration the following:

House joint resolution No. 1 (File No. 1), entitled

Joint resolution proposing amendments to section ten, eleven and thirteen of article fourteen of the constitution of this State relative to the taxation of corporations,

But not having gone through therewith, have directed their chairman to report that fact to the House and ask leave to sit again.

DAVID E. HEINEMAN,  
Chairman.

Report accepted and committee discharged.

The question being on concurring in the request made by the committee for leave to sit again for the consideration of the joint resolution,

The House concurred, and leave was granted.

On motion of Mr. Fleischhauer,

The House adjourned.

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} REPRESENTATIVE HALL, LANSING,  
} Wednesday, December 20, 1899.

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by Rev. Mr. Chase.

Roll called: quorum present.

Absent without leave: None.

## MESSAGES FROM THE GOVERNOR.

The Speaker announced the following:

EXECUTIVE OFFICE,  
December 20, 1899.

To the House of Representatives:

Information has very recently come to me, as a result of the investiga-

tion of the grand jury now sitting in this county, which indicates that the State has sustained a loss approximating \$40,000, growing out of the sale by the State Military Board to the Illinois Supply Co. of a large quantity of military equipment and supplies and the repurchase of a considerable portion of the same from the Henderson & Ames Co., of Kalamazoo, at prices greatly in excess of the sums realized on the sale thereof. The details of the means resorted to to effect this result have now been made public and need not be repeated here.

The circumstances attending this transaction, in my opinion, demand that appropriate legal proceedings be instituted immediately, and vigorously prosecuted, to recover from the persons responsible for this loss—an amount that will make the State whole in the matter.

I am advised by the Attorney General, whom I have directed to take such steps, that action authorizing such proceedings by your honorable body is desirable, if not necessary. The Attorney General, at my request, prepared a joint resolution to be introduced, with a view to having the same adopted, that will remove any question that may exist as to the validity of such proceedings as the Attorney General may deem necessary or expedient to institute.

I would respectfully recommend that such joint resolution, or one that will give the Attorney General full authority to take the necessary action in the matter, be adopted as speedily as practicable.

Respectfully submitted,

H. S. PINGREE,  
Governor.

On motion of Mr. Fleischhauer,

The message was referred to the committee on Military Affairs.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, December 20, 1899.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following bill:

House bill No. 2, entitled

A bill to make available an appropriation to furnish new boilers to replace those now in use at the Michigan Soldiers' Home, being Act No. 174, Public Acts of 1899, for the following purposes, viz.: The erection of a two-story boiler house; the erection of a brick chimney; the purchase and setting of boilers, including breeching to connect same with smoke stack; pipes and connections; one new engine and one new dynamo.

And to inform the House that in the passage of the bill the Senate has concurred, and has also concurred in ordering the bill to take immediate effect.

Very respectfully,

CHARLES S. PIERCE,  
Secretary of the Senate.

The bill was then referred for enrollment and presentation to the Governor, under the rules.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, December 20, 1899.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following bill:

House bill No. 3, entitled

A bill to amend Section 2 of Act No. 142 of the Laws of 1899, entitled "An act to repeal Section 8 of Act No. 206 of the Laws of 1881, entitled 'An act to provide for the uniform regulation of certain State Institutions,' and amendments thereto, being Section 2230 of the Compiled Laws of 1897, and to provide for a change from the calendar to the fiscal year for all limited and standing appropriations where the specific act of the appropriations does not so provide.

And to inform the House that in the passage of the bill the Senate has concurred, and has also concurred in ordering the bill to take immediate effect.

Very respectfully,  
CHARLES S. PIERCE,  
Secretary of the Senate.

The bill was then referred for enrollment and presentation to the Governor, under the rules.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, December 20, 1899.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following concurrent resolution:

Honorable Myron Wing, Representative from Barry county, was born in Eagle, Wyoming county, New York, in 1837, and died at his home in Barry county, Michigan, July 12, 1899.

"As time goes on the road grows strange,

And near the end

The mile stones into head stones change—

Neath every one a friend."

Whereas, The Legislature of Michigan has learned, with profound sorrow, of the death of Honorable Myron Wing, Representative from Barry county, in this and the preceding Legislature; and

Whereas, We desire to express our appreciation of his honesty, integrity, and generous character; be it

Resolved by the House (the Senate concurring), That in the death of Honorable Myron Wing the State has lost one whose life was irreproachable and whose most earnest desire was the welfare of the commonwealth; and be it further

Resolved, That the sympathy and condolence of the Legislature of Michigan be extended to the sorrowing family of deceased, that a copy of these resolutions be forwarded to his bereaved wife, by the Secretary of State, and that they be made a part of the records of this body.

And to inform the House that the Senate has amended the same as follows: By striking out the words "Secretary of State," and that in

the adoption of the resolution as thus amended the Senate has concurred.

Very respectfully,  
CHARLES S. PIERCE,  
Secretary of the Senate.

The concurrent resolution was referred to the Clerk for suitable engrossment, and transmission, under the rule.

The House concurred.

Mr. Fleischhauer offered the following:

Resolved by the House (the Senate concurring), That from and after December 20, 1899, the two houses of the Legislature will transact no further business other than for the Speaker of the House and the President of the Senate to sign enrolled bills, and that the final adjournment of the Legislature shall be on December 21, 1899, at 12 o'clock noon of that day.

Pending the order that the resolution lie over one day, under the rules, Mr. Fleischhauer moved that the rules be suspended and that the resolution be put on its immediate consideration.

Pending which,

On motion of Mr. Chamberlain,

The motion to suspend the rules was laid on the table.

The resolution was then laid over one day, under the rules.

Mr. Heineman moved that there be a call of the House.

Which motion prevailed.

#### PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and none of the members were reported absent without leave.

Mr. Kelly moved that the House resolve itself into committee of the whole on the special order.

Which motion did not prevail.

#### INTRODUCTION OF BILLS.

Mr. Goodyear, unanimous consent having been given, introduced House joint resolution No. 4, entitled

Joint resolution authorizing and directing the Attorney General to investigate and bring such legal proceedings as the laws may warrant to recover the value of property alleged to have been fraudulently obtained from the State upon the sale of certain military goods and supplies and to reimburse the State for damages occasioned by a fraud alleged to have been perpetrated upon the State in the sale and purchase of military goods and supplies.

The joint resolution was read a first and second time by its title and, pending its reference to a committee,

On motion of Mr. Goodyear,

The rules were suspended, two-thirds of all the members present voting therefor, and the joint resolution was put upon its immediate passage.

The joint resolution having been read a third time and the question being upon its passage, pending the taking of the vote thereon,



Mr. Fleischhauer moved that the joint resolution be referred to the committee on Military Affairs.

On which motion,

Mr. Stewart demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

## YEAS.

Mr. Davis

Mr. Fleischhauer

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## NAYS.

Mr. Aldrich

Mr. Gordon

Mr. Niedermeier

Alward

Hammond

Oberdorffer

Anderson

Handy

Pearson

Babcock

Hart

Randall

Baumgaertner

Hatzenbuehler

Read, J. H.

Brownell

Heck

Reed, W. A.

Bryan

Heineman

Robinson

Burch

Herrig

Rulison

Burdick

Hofmeister

Schmidt

Burfoot

Howell

Scully

Buskirk

Kelly

Shisler

Caldwell

Kingott

Soper

Carton

Lafamboy

Stewart

Chamberlain

Locher

Stumpenhusen

Chandler

Lugers

Sutherland

Cheever

Lusk

Taziman

Colby

McCall

Van Camp

Colvin

McCallum

Waterbury

Dickinson

McKay

Watters

Dingley

McLean

Wayne

Doyle

McLeod

Weier

Duff

Mason

Wells

Eikhoff

Miller

Weter

Foster

Moore

Wheeler

Gillam

Murdoch

Whitney

Gillette

Murphy

Wood

Goodell

Nash

Woodruff

Goodrich

Nevins

Speaker

Goodyear

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The question being on the passage of the joint resolution,

Mr. Phillips moved to amend the joint resolution by adding thereto the words:

Resolved further, That the same warrant and authority be granted the Attorney General and Auditor General in relation to any extravagant and unwarranted expenditure in connection with the war loan fund.

Mr. Heineman rose to a question of order, in that the proposed amendment was outside of the recommendations of the Governor's message, and hence it was not competent for the House to consider it.

The Speaker announced that the question of order was well taken; in that the Governor having recommended action for a specific case, it is not competent for the Legislature to extend the terms of the joint resolution beyond the limits of the terms of the Governor's message.

The joint resolution was then passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich	Mr. Goodrich	Mr. Nash
Alward	Goodyear	Nevins
Anderson	Gordon	Niedermeier
Babcock	Hall	Oberdorffer
Baumgärtner	Hammond	Pearson
Brownell	Handy	Phillips
Bryan	Hart	Randall
Burch	Hatzenbuehler	Read, J. H.
Burdick	Heck	Reed, G. W.
Burfoot	Heineman	Reed, W. A.
Burdick	Herrig	Robinson
Caldwell	Hofmeister	Rulison
Carton	Howell	Schmidt
Chamberlain	Keep	Scully
Chandler	Kelly	Shisler
Cheever	Kerr	Soper
Colby	Kingott	Stewart
Collins	Laflamboy	Stumpfenhusen
Colvin	Locher	Sutherland
Davis	Lugers	Taziman
Dickinson	Lusk	Van Camp
Dingley	McCall	Waterbury
Doyle	McCallum	Watters
Dudley	McKay	Wayne
Duff	McLean	Weier
Eikhoff	McLeod	Wells
Fleischhauer	Mason	Weter
Foster	Miller	Wheeler
Gillam	Moore	Whitney
Gillette	Murdoch	Wood
Goodell	Murphy	Speaker

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## NAYS.

0

Title agreed to.

On motion of Mr. Hart,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

## SPECIAL ORDER.

On motion of Mr. Howell,

The House went into committee of the whole, on the special order.

Whereupon the Speaker called Mr. McCallum to the chair.

After some time spent therein, the committee rose, and through their chairman, made the following report:

The committee of the whole have had under consideration the following:

House joint resolution No. 1 (File No. 1), entitled

Joint resolution proposing amendments to sections ten, eleven and thirteen of article fourteen of the constitution relative to the taxation of corporations.

Have made no amendments thereto, and have directed their chairman to report the same back to the House, and recommend its passage.

GEO. P. MCCALLUM,  
Chairman.

Report accepted and committee discharged.

Pending the order that the joint resolution be placed on the order of third reading,

On motion of Mr. Cheever,

The rules were suspended, two-thirds of all the members present voting therefor, and the joint resolution was put upon its immediate passage.

The joint resolution having been read a third time and the question being upon its passage, pending the taking of the vote thereon,

Mr. Kelly offered the following substitute for the joint resolution:

A bill to provide for the submission to the people of this State of the question of a general revision of the constitution.

The People of the State of Michigan enact:

Section 1. That at the general election to be held on the first Tuesday after the first Monday in November in the year nineteen hundred, the question of the general revision of the constitution shall be submitted to the electors qualified to vote for members of the Legislature; and in case a majority of the electors so qualified, and voting at such election, shall decide in favor of a convention for said purpose, then the Legislature of 1901 shall provide, by appropriate legislation, for the election of delegates to a convention for the revision of the constitution of this State.

Mr. Cheever arose to a question of order, in that the substitute just presented was outside the purview of the Governor's message.

The Speaker ruled that the point of order was not well taken.

Mr. Buskirk appealed from the decision of the chair.

The question being stated, "Shall the judgment of the chair stand as the judgment of the House?"

Pending discussion,

Mr. McKay demanded the previous question.

The demand was seconded.

The question being shall the main question be now put,

The same was ordered.

The question then being taken, "Shall the judgment of the chair stand as the judgment of the House?"

The decision of the chair was not sustained, and

The proposed substitute was rejected.

The question being on the passage of the joint resolution,

The joint resolution was then passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich	Mr. Goodyear	Mr. Niedermeier
Alward	Gordon	Oberdorffer
Anderson	Hall	Pearson
Babcock	Hammond	Phillips
Baumgærtner	Hart	Randall
Brownell	Hatzenbuehler	Read, J. H.
Bryan	Heck	Reed, G. W.
Burch	Heineman	Reed, W. A.
Burdick	Herrig	Robinson
Burfoot	Hofmeister	Schmidt
Buskirk	Howell	Scully
Carton	Keep	Shisler
Chandler	Kelly	Soper
Cheever	Kingott	Stewart
Colby	Laflamboy	Stumpenhusen
Colvin	Locher	Sutherland
Davis	Lugers	Taziman
Dickinson	Lusk	Van Camp
Dingley	McCall	Waterbury
Doyle	McKay	Wayne
Dudley	McLean	Weier
Duff	McLeod	Wells
Eikhoff	Mason	Weter
Fleischhauer	Miller	Wheeler
Foster	Moore	Whitney
Gillam	Murdoch	Wood
Gillette	Murphy	Woodruff
Goodell	Nash	Speaker
Goodrich	Nevins	

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## NAYS.

Mr. Caldwell	Mr. Handy	Mr. Rulison
Chamberlain	Kerr	Watters
Collins	McCallum	

8

Title agreed to.

The following is the joint resolution:

Joint resolution proposing amendments to sections ten, eleven and thirteen of article fourteen of the constitution of this State relative to the taxation of corporations.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the following amendments to the constitution of the State of Michigan be and the same are hereby proposed and submitted to the people of this State, that is to say, that section ten of article fourteen of said constitution be amended so as to read as follows:

Sec. 10. The State may continue to collect all specific taxes accruing to the treasury under existing laws. The Legislature may provide for the collection of specific taxes from banking, railroad, plank road and other corporations. The legislature may provide for the assessment of the

property of banking, railroad, plank road and other corporations at its true cash value by a State Board of Assessors or such other person or persons as the Legislature shall direct, and for the levying of taxes thereon in such manner as the Legislature shall by general law direct, which laws shall be uniform as to the classes of corporations upon which they operate. All taxes hereafter levied on the property of banking, railroad, plank road, or other corporations paying specific taxes under existing laws shall be applied as provided in section one of this article.

That section eleven of article fourteen of said constitution be amended so as to read as follows:

Sec. 11. The Legislature shall provide a uniform rule of taxation except on property paying specific taxes, and taxes shall be levied on such property as shall be prescribed by law: Provided, The Legislature may classify corporations for the purpose of taxation, and the property in each class shall be assessed and the taxes thereon uniformly levied in such manner as the Legislature shall direct.

That section thirteen of article fourteen of said constitution be amended so as to read as follows:

Sec. 13. The legislature shall provide for an equalization by a State Board in the year one thousand eight hundred and fifty-one, and every five years thereafter, of assessments on all taxable property except that taxed under laws passed pursuant to section ten of this article.

And be it further Resolved, That the said proposed amendments shall be submitted to the electors of this State at the general election to be held on the first Tuesday after the first Monday in November in the year nineteen hundred; that the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State at least twenty days prior to such election, and the said sheriffs shall be required to give the several notices thereof, as required by law, and the said proposed amendments shall be printed upon the official ballot used at such election provided by Act No. 266 of the Public Acts of this State for the year 1897, being Sec. 3657, Compiled Laws of 1897, as follows:

Amendments to the constitution relative to the taxation of corporations.

Yes.

Amendments to the constitution relative to the taxation of corporations.

No.

All votes cast therefor shall be counted, canvassed and returned as provided by law for the election of State officers.

This joint resolution is ordered to take immediate effect.

Mr. Gordon sent the following notice to the chair:

I hereby give notice that I shall, within the time limited by the rule, move to reconsider the vote by which

House joint resolution No. 1 (File No. 1), entitled

Joint resolution proposing amendments to sections ten, eleven and thirteen of article fourteen of the constitution relative to the taxation of corporations.

Passed the House.

JOHN R. GORDON.

Mr. Phillips offered the following:

Resolved, That a respectful message be sent to the Governor by the

House of Representatives, memorializing him to send such a communication to the Legislature as will enable it to authorize and direct the Attorney General, the chairman of the Board of State Auditors and the Auditor General, to investigate any unwarranted expenditure or disposition of any part of the war loan fund, the National Guard fund, or any of the military property of the State, and to institute proper proceedings to recover the same.

Which was adopted.

Mr. Kelly gave notice that at some future day he would ask leave to introduce

A bill for the general revision of the State constitution.

Mr. Chamberlain offered the following:

Resolved, That a respectful message be sent to the Governor requesting him to transmit to the Legislature a message recommending the passage of a bill providing for calling a general constitutional convention if the same shall meet his approval.

Which was adopted.

Mr. Scully moved that House rules numbered 34 and 53 be suspended, and that the Clerk be instructed to transmit to the Senate, forthwith,

House joint resolution No. 1 (File No. 1), entitled

Joint resolution proposing amendments to sections ten, eleven and thirteen of article fourteen of the constitution of this State relative to the taxation of corporations.

Which has just been passed by the House.

Pending discussion,

The Speaker held that the suspension of the rules in question could not operate to release the joint resolution from the custody of the Clerk, since the member had given notice of reconsideration while the rules were in force, and the subsequent suspension thereof could not operate to deprive him of the rights he had gained thereunder.

On motion of Mr. Alward.

The House took a recess until 2 o'clock this afternoon.

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AFTERNOON SESSION.

2 o'clock p. m.

The House met and was called to order by the Speaker.

A quorum present.

The pending question being a motion that rules 34 and 53 be suspended, and that the Clerk be instructed to transmit to the Senate, forthwith,

House joint resolution No. 1 (File No. 1), entitled

Joint resolution proposing amendments to sections ten, eleven and thirteen of article fourteen of the constitution relative to the taxation of corporations.

Which had just been passed by the House.

The House consenting thereto,  
The motion was withdrawn.  
On motion of Mr. Dudley,  
Leave of absence was granted to himself indefinitely.  
On motion of Mr. Stewart,  
The House took a recess until 2:30 o'clock this afternoon.

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## AFTER RECESS.

2:30 o'clock.

The House met and was called to order by the Speaker.

A quorum present.

Mr. Heineman offered the following:

Whereas, There is a proposition pending before the Congress of the United States for the appointment of a commission for the revision of the statutes, which, on account of the general demand for such a revision, will probably become a law; therefore

Resolved by the House (the Senate concurring), That our Senators and Representatives in Congress are requested to use their best endeavors to secure the appointment, as a member of said commission, of Lewis M. Miller of this State, whose ability has been so markedly evidenced by his work on the annotated compilation of the general statutes recently completed and placed in the hands of the people of this State, who unanimously declare the work invaluable and hitherto unrivaled in its excellencies, and so perfect as to leave nothing further to be desired; and

Resolved, That we earnestly request President McKinley, in case of the passage of the bill directing the said revision, to appoint the said Lewis M. Miller to be one of the commissioners to prepare the text for said revision, believing as we do that his services on said commission will be as valuable to the people of the United States as they have proved to be to the people of the State of Michigan.

Resolved, That copies of this resolution be sent by the Secretary of State to President McKinley and our Senators and Representatives in Congress.

Pending the order that the resolution lie over one day, under the rules,  
On motion of Mr. Heineman,

The rules were suspended, two-thirds of all the members present voting therefor, and the resolution was put upon its immediate consideration.

The resolution was then unanimously adopted.

Mr. Duff sent to the desk the following:

"Office Commissioner of Schools, St. Clair County, Dec. 19, 1899.  
Rep. W. J. Duff, Lansing, Mich.:

Dear Doctor—The uncertainty of legislative sessions prompts me to write you. Next week the State Teachers' Association meet in Lansing. For nearly half a century Holiday week has been the time for this meeting and the Capitol building the place. Teachers and commissioners do not want to interfere in any way with needed legislation, but the importance of this annual meeting of Michigan educators is such that as president of the Commissioners' Section of the State Association I want to ask that you use your influence toward getting the legislative halls for this gathering next week. I hope that I am not asking too

much, and I assure you that I shall appreciate anything that you may do to help us on this occasion.

Cordially yours,

R. S. CAMPBELL."

Mr. Duff moved that the request contained in the communication be granted.

On motion of Mr. Burch,

The request was laid on the table.

On motion of Mr. Stewart,

The House took a recess until 4 o'clock this afternoon.

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AFTER RECESS.

4 o'clock p. m.

The House met and was called to order by the Speaker.

A quorum present.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, December 20, 1899.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to transmit to the House the following concurrent resolution:

Resolved by the Senate (the House concurring), That when the Legislature adjourns on Wednesday, December 20, it stand adjourned until Wednesday, December 27, at 9 o'clock p. m.

And to inform the House that the resolution has been adopted by the Senate. In this action of the Senate the concurrence of the House is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,  
Secretary of the Senate.

The question being on concurring in the adoption of the resolution,

Mr. Stewart moved to amend the resolution by striking out the words "Wednesday, December 20," and inserting the words "Friday, December 22," in lieu thereof.

Which,

On motion of Mr. Howell,

Was laid on the table; by which action the resolution was carried to the table.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, December 20, 1899.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following concurrent resolution:

Whereas, There is a proposition pending before the Congress of the United States for the appointment of a commission for a revision of the statutes, which, on account of the general demand for such a revision, will probably become a law; therefore



Resolved by the House (the Senate concurring), That our Senators and Representatives in Congress are requested to use their best endeavors to secure the appointment, as a member of said commission, of Lewis M. Miller of this State, whose ability has been so markedly evidenced by his work on the annotated compilation of the general statutes recently completed and placed in the hands of the people of this State, who unanimously declare the work invaluable and hitherto unrivaled in its excellencies, and so perfect as to leave nothing further to be desired; and

Resolved, That we earnestly request President McKinley, in case of the passage of the bill directing the said revision, to appoint the said Lewis M. Miller to be one of the commissioners to prepare the text for said revision, believing as we do that his services on said commission will be as valuable to the people of the United States as they have proved to be to the people of the State of Michigan.

Resolved, That copies of this resolution be sent by the Secretary of State to President McKinley and our Senators and Representatives in Congress.

And to inform the House that the Senate has unanimously concurred in the adoption of the resolution.

Very respectfully,

CHARLES S. PIERCE,  
Secretary of the Senate.

The resolution was referred for enrollment and presentation to the Governor, under the rules.

The Speaker announced the appointment of Arthur Humphrey to be messenger to the document room, in place of Henry L. Wood, Jr., resigned.

The Speaker announced the following:

EXECUTIVE OFFICE,  
Lansing, December 20, 1899.

To the House of Representatives:

The resolution passed by your honorable body this morning, requesting me to transmit to the Legislature a message recommending the passage of a bill providing for calling a general constitutional convention, has been received.

I have always favored a general revision of the Constitution of the State. It is generally admitted that its provisions are not suitable to the needs of the present times. In official messages heretofore transmitted to your body I have strongly urged the necessity for revision.

I appreciate your earnestness in the matter and will be glad, at the proper time, to act upon your request.

Permit me, however, to call your attention to Article XX, Section 2, of the Constitution, which provides as follows:

"At the general election to be held in the year one thousand eight hundred and sixty-six, and in each sixteenth year thereafter, and also at such other times as the Legislature may by law provide, the question of the general revision of the Constitution shall be submitted to the electors qualified to vote for members of the Legislature, and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a convention for such purpose, the Legislature at the next session shall provide by law for the election of such delegates to such convention. All the amendments shall take effect at the commencement of the year after their adoption."

You will remember that at the general election on November 8, 1898, the question of the revision of the Constitution was submitted to the electors. At that election 421,164 votes were cast for Governor. Only 289,270 of those electors voted upon the question of the revision of the Constitution. The votes in favor of the revision numbered 162,123, and there were 127,147 votes cast against it.

It appears, therefore, that a majority of the electors who voted on the question of the revision voted in its favor.

I also call your attention to an opinion of the Hon. Horace M. Oren, Attorney General, submitted to your honorable body on February 20, last, expressing the opinion that

"Article XX, Section 2, of the Constitution must be construed as requiring that before the Legislature can proceed to call a constitutional convention there must have been cast in favor of constitutional revision a vote equal to a majority of the voters participating or voting at the election at which the proposition for revision is submitted."

It is apparent, therefore, that a majority of those who took enough interest in it to vote upon it favored a revision of the Constitution. Under the present provision of the Constitution, it is doubtful whether a proposition to revise the Constitution would carry at the general election next fall.

The question of a constitutional revision would undoubtedly be overshadowed by issues of general interest which arise during a presidential campaign. It has always been so, and always will be so.

I believe, therefore, that before the question of constitutional revision should be again submitted to the people, an amendment to Article XX, Section 2, of the Constitution is imperatively necessary. That section of the Constitution should, in my opinion, be amended so that it will require a majority only of those voting upon the question of general revision.

As you know, an amendment to the Constitution, such as the one which passed your honorable body today, by the terms of the Constitution requires only a majority of those voting upon it in order to make it a part of the Constitution.

It is unnecessary, of course, for me to remind you of the almost imperative demand of the people for legislation on the line indicated in the amendment included in the joint resolution passed by your body today.

I have no hesitation in saying that that amendment, if submitted to the people at the election next fall, will unquestionably be ratified. In view of the failure, heretofore, of propositions for constitutional revision, I believe it unwise at this time to submit a question of general revision as a substitute for or to accompany the amendment passed by your body today.

I am willing, however, after the joint resolution containing the amendment to the Constitution, which you adopted by practically a unanimous vote this morning shall reach me for my signature, to submit for your consideration the question of an amendment to Article XX, Section 2 of the Constitution, so that a general revision of the Constitution shall be had when a majority of the electors voting thereon shall decide in favor of such revision.

I am not willing to submit even this matter to your honorable body, until after action upon the matters under consideration have been disposed of, for the reason that this session of the Legislature was called for the sole purpose of securing the passage of the constitutional amendment

referred to in my first message. I do not deem it advisable to permit the issue that was thus presented to your honorable body to be obscured or put in a subordinate position.

But that being cleared away I will gladly submit to each body of the Legislature a message calling to their attention for action, not the submission of a proposition to have a general constitutional revision, but a proposition to amend the constitution so that hereafter a constitutional revision may be had by a majority of those voting upon the proposition.

Respectfully submitted.

H. S. PINGREE,  
Governor.

The message was ordered spread on the Journal.

Mr. Gordon sent to the desk a notice withdrawing his notice of reconsideration of the vote by which the House passed

House joint resolution No. 1 (File No. 1), entitled

Joint resolution proposing amendments to sections ten, eleven and thirteen of article fourteen of the Constitution relative to the taxation of corporations.

The Clerk immediately transmitted the joint resolution to the Senate.

Mr. Chamberlain moved to take from the table the following:

Resolved by the Senate (the House concurring), That when the Legislature adjourns on Wednesday, December 20, it stand adjourned until Wednesday, December 27, at 9 o'clock p. m.

Which motion prevailed.

A motion was pending when the resolution was laid on the table, to amend by striking out the words "Wednesday, December 20," and inserting the words "Friday, December 22."

Mr. Heineman moved that the further consideration of the question be indefinitely postponed.

On which motion,

Mr. Heineman demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

#### YEAS.

Mr. Aldrich  
Alward  
Babcock  
Baumgärtner  
Bryan  
Burfoot  
Caldwell  
Chandler  
Cheever  
Colby  
Doyle  
Eikhoff

Mr. Goodell  
Hart  
Hatzenbuehler  
Heck  
Heineman  
Howell  
Locher  
Lusk  
McLeod  
Mason  
Murphy  
Nevins

Mr. Pearson  
Read, J. H.  
Reed, W. A.  
Robinson  
Scully  
Stewart  
Taziman  
Van Camp  
Waterbury  
Weier  
Wheeler  
Wood

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#### NAYS.

Mr. Anderson

Mr. Hall

Mr. Niedermeier

Mr. Brownell	Mr. Hammond	Mr. Oberdorffer
Burch	Handy	Phillips
Burdick	Herrig	Randall
Buskirk	Hofmeister	Reed, G. W.
Carton	Keep	Rulison
Chamberlain	Kerr	Schmidt
Collins	Kingott	Shisler
Colvin	Laflamboy	Soper
Davis	Lugers	Stumpenhusen
Dickinson	McCall	Sutherland
Dingley	McCallum	Watters
Duff	McKay	Wayne
Fleischhauer	McLean	Wells
Gillette	Miller	Weter
Goodrich	Moore	Whitney
Goodyear	Murdoch	Woodruff
Gordon	Nash	Speaker

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The question then being on the motion to amend the resolution,

Mr. G. W. Reed moved to amend the amendment by striking out the word "Friday" and inserting the word "Thursday" in lieu thereof; also by striking out the words "9 p. m." and inserting the words "2 o'clock p. m." in lieu thereof.

On which motion,

Mr. Stewart demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

## YEAS.

Mr. Anderson	Mr. Gordon	Mr. Reed, G. W.
Burdick	Kerr	Wayne
Buskirk	Phillips	

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## NAYS.

Mr. Aldrich	Mr. Hammond	Mr. Niedermeier
Alward	Hart	Oberdorffer
Babcock	Hatzenbuhler	Pearson
Baumgärtner	Heck	Randall
Bryan	Heineman	Read, J. H.
Burch	Herrig	Reed, W. A.
Burfoot	Hofmeister	Robinson
Caldwell	Howell	Rulison
Carton	Keep	Schmidt
Chandler	Kingott	Scully
Cheever	Laflamboy	Shisler
Colby	Locher	Soper
Collins	Lusk	Stewart
Colvin	McCall	Stumpenhusen

Mr. Davis  
Dickinson  
Dingley  
Doyle  
Duff  
Eikhoff  
Gillette  
Goodell  
Goodrich  
Goodyear  
Hall

Mr. McCallum  
McKay  
McLean  
McLeod  
Mason  
Miller  
Moore  
Murdoch  
Murphy  
Nash  
Nevins

Mr. Sutherland  
Taziman  
Van Camp  
Waterbury  
Watters  
Weier  
Weter  
Wheeler  
Wood  
Speaker

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The question then being on the original motion to amend the resolution, Mr. Stewart demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich  
Anderson  
Baumgärtner  
Bryan  
Burdick  
Burfoot  
Buskirk  
Caldwell  
Carton  
Chandler  
Cheever  
Dingley  
Duff

Mr. Eikhoff  
Goodell  
Goodrich  
Goodyear  
Hatzenbuhler  
Heineman  
Herrig  
Kerr  
Laflamboy  
Locher  
McCall  
McLean  
McLeod

Mr. Murdoch  
Murphy  
Nash  
Oberdorffer  
Pearson  
Phillips  
Read, J. H.  
Shisler  
Soper  
Stewart  
Taziman  
Wheeler  
Wood

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## NAYS.

Mr. Alward  
Babcock  
Brownell  
Burch  
Chamberlain  
Colby  
Collins  
Colvin  
Davis  
Doyle  
Fleischhauer  
Gillette  
Gordon  
Hall  
Hammond  
Handy

Mr. Hart  
Heck  
Hofmeister  
Howell  
Keep  
Kingott  
Lugers  
Lusk  
McCallum  
McKay  
Mason  
Miller  
Moore  
Nevins  
Niedermeier  
Randall

Mr. Reed, G. W.  
Reed, W. A.  
Robinson  
Rulison  
Schmidt  
Scully  
Stumpenhusen  
Sutherland  
Van Camp  
Watters  
Wayne  
Weier  
Wells  
Weier  
Whitney  
Speaker

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The question then being on the adoption of the resolution,  
Mr. Colby moved that the further consideration of the resolution  
be indefinitely postponed.

On which motion,

Mr. Colby demanded the yeas and nays.

The demand was seconded, and the motion prevailed, by yeas and nays,  
as follows:

## YEAS.

Mr. Aldrich	Mr. Goodrich	Mr. Nash
Alward	Goodyear	Niedermeier
Anderson	Hart	Oberdorffer
Babcock	Hatzenbuehler	Pearson
Baumgaertner	Heck	Reed, W. A.
Bryan	Heineman	Robinson
Burfoot	Herrig	Schmidt
Caldwell	Hofmeister	Scully
Carton	Howell	Soper
Chandler	Kingott	Stewart
Cheever	Laflamboy	Stumpenhusen
Colby	Lugers	Sutherland
Dingley	Lusk	Taziman
Doyle	McLeod	Van Camp
Duff	Mason	Weier
Eikhoff	Miller	Wheeler
Gillette	Murdoch	Wood
Goodell	Murphy	

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## NAYS.

Mr. Brownell	Mr. Handy	Mr. Reed, G. W.
Burdick	Keep	Rulison
Buskirk	Kerr	Shisler
Chamberlain	McCall	Watters
Collins	McCallum	Wayne
Colvin	McKay	Wells
Davis	McLean	Weter
Dickinson	Moore	Whitney
Fleischhauer	Nevins	Woodruff
Gordon	Phillips	Speaker
Hammond	Randall	

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On motion of Mr. Stewart,  
The House adjourned.

{ REPRESENTATIVE HALL, LANSING,  
 { Thursday, December 21, 1899.

The House met pursuant to adjournment and was called to order by the Speaker.

Roll called: quorum present.

Absent without leave: Messrs. Burch, Brownell, Carton, Dickinson, Doyle, Gillam, Keep, Moore, Nevins, W. A. Reed, Stumpenhusen, and Taziman.

On motion of Mr. Robinson,

Leave of absence was granted to Mr. Doyle for the day.

On motion of Mr. McKay,

Leave of absence was granted to all absentees for the day.

On motion of Mr. Alward,

Leave of absence was granted to himself indefinitely.

On motion of Mr. Wayne,

Leave of absence was granted to himself indefinitely.

On motion of Mr. McCall,

Leave of absence was granted to himself until next week.

On motion of Mr. Gordon,

Leave was granted to himself indefinitely.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,  
 Lansing, December 20, 1899.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to transmit to the House the following concurrent resolution:

Resolved (the House concurring), That when the Legislature adjourns on Thursday, December 21, it stand adjourned until Wednesday, December 27, at 9 o'clock p. m.

And to inform the House that the resolution has been adopted by the Senate. In this action of the Senate the concurrence of the House is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,  
 Secretary of the Senate.

The question being on concurring in the adoption of the resolution, Mr. Lusk moved that the resolution do lie on the table.

On which motion,

Mr. Stewart demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

#### YEAS.

Mr. Baumgärtner  
 Colby  
 Davis  
 Eikhoff  
 Heck  
 Heineman

Mr. Kingott  
 Lusk  
 Mason  
 Miller  
 Murphy  
 Read, J. H.

Mr. Stewart  
 Van Camp  
 Weier  
 Wheeler  
 Wood

## NAYS.

Mr. Aldrich	Mr. Hall	Mr. Oberdorffer
Anderson	Hammond	Pearson
Babcock	Handy	Randall
Bryan	Hart	Reed, G. W.
Burdick	Hatzenbuehler	Robinson
Burfoot	Herrig	Rulison
Buskirk	Hofmeister	Schmidt
Caldwell	Howell	Shisler
Chamberlain	Kelly	Soper
Chandler	Laflamboy	Stumpfenhusen
Cheever	Locher	Sutherland
Collins	Lugers	Waterbury
Dingley	McCall	Watters
Duff	McCallum	Wayne
Fleischhauer	McKay	Wells
Gillette	McLean	Weter
Goodell	McLeod	Whitney
Goodrich	Murdoch	Woodruff
Goodyear	Niedermeier	Speaker
Gordon		

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The question being on the adoption of the resolution,

Mr. Stewart demanded the yeas and nays.

The demand was not seconded.

The resolution was then adopted.

Mr. Duff moved to take from the table his motion that the use of Representative Hall for next week be granted to the State Teachers' Association.

Which motion prevailed.

The question being on granting the use of the Hall to the State Teachers' Association,

Mr. Chamberlain moved to amend the motion so as to limit the use of the Hall by the State Teachers' Association from Monday morning until 6 o'clock Wednesday p. m.

Which motion prevailed.

The motion as amended then prevailed.

Mr. Stewart gave notice that within the time limited by the rule he would move a reconsideration of the vote by which the House this day concurred in the Senate resolution for an adjournment until Wednesday evening next.

By the Clerk:

I have to report that I have this day enrolled, compared and presented to the Governor,

House bill No. 2, entitled

An act to make available an appropriation to furnish new boilers to replace those now in use at the Michigan Soldiers' Home, being act number one hundred seventy-four, public acts of eighteen hundred ninety-nine, approved June 23, eighteen hundred ninety-nine, for the following purposes, viz.: The erection of a two-story boiler house; the erection of a brick chimney; the purchase and setting of boilers, including breeching



to connect same with smokestack; pipes and connections; one new engine and one new dynamo.

In accordance with the rules and order of the House: the receipt for the same being dated 11:05 a. m., December 21, 1899.

LEWIS M. MILLER,  
Clerk of the House.

By the Clerk:

I have to report that I have this day enrolled, compared and presented to the Governor,

House bill No. 3, entitled

An act to amend section two of act number one hundred forty-two of the laws of eighteen hundred ninety-nine, entitled "An act to repeal section eight of act number two hundred six of the laws of eighteen hundred eighty-one, entitled 'An act to provide for the uniform regulation of certain State institutions' and amendments thereto, being section two thousand two hundred thirty of the compiled laws of eighteen hundred ninety-seven, and to provide for a change from the calendar to the fiscal year for all limited and standing appropriations where the specific act of the appropriation does not so provide."

In accordance with the rules and order of the House: the receipt for the same being dated 11:05 a. m., December 21, 1899.

LEWIS M. MILLER,  
Clerk of the House.

Mr. G. W. Reed moved that the House adjourn,

Which motion prevailed, and

The Speaker declared the House adjourned until 9 o'clock p. m., on Wednesday next.

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{ REPRESENTATIVE HALL, LANSING,  
{ Wednesday, December 27, 1899.

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by Rev. Mr. Hunt.

Roll called: quorum present.

Absent without leave: Messrs. Burdick, Burfoot, Davis, Dickinson, Dingley, Doyle, Foster, Gillam, Gustin, Heineman, Hofmeister, Howell, Kelly, Kerr, Locher, Lugers, McCallum, Mason, Moore, Murdoch, Phillips, Scully, Shisler, Stewart, Taziman, Van Camp, and Watters.

On motion of Mr. Rulison,

Leave of absence was granted to Mr. Shisler until Friday next.

Mr. Cheever moved that leave of absence be granted to Mr. Heineman for the remainder of the week.

Which motion did not prevail.

On motion of Mr. Whitney,

Leave of absence was granted to all absentees for the day.

The Speaker announced the following:

Cheboygan, Mich., December 13, 1899.

Hon. E. J. Adams,

Speaker, House of Representatives,  
Grand Rapids, Michigan.

Sir—I hereby resign the position of Representative of this (Cheboygan) district to the State Legislature.

Very respectfully yours, etc.,

FRANK SHEPHERD.

The communication was ordered spread on the Journal, and respectfully referred to the Governor.

The Speaker also announced the resignation of George Huston, keeper of the cloak room, and also announced the appointment of Al Huston to fill the vacancy.

The Speaker also announced the appointment of Leonard Hermeneau to be press clerk to fill vacancy.

#### MOTIONS AND RESOLUTIONS.

Mr. Lusk offered the following:

Whereas, The League of Michigan Municipalities at its meeting in the city of Grand Rapids, September, 25-26, 1899, adopted the following resolutions:

“Whereas, The Supreme Court in construing the provisions of section 9, of article 14 of the Constitution has held that a municipal corporation cannot own and operate a street railway, and,

Whereas, Said decision will probably when extended to the question, prevent municipalities from owning and operating municipal lighting plants for any except public lighting purposes, and,

Whereas, The franchises of the street railway companies in some of the leading cities of the State are nearing the termination of existence and that the elimination of municipal ownership as an element of possible competition practically leaves such cities at the mercy of the street railway companies, placing them in a position to dictate the terms and conditions upon which they will accept a renewal of such privileges, probably wringing from the people an exorbitant rate of fare, and,

Whereas, The trend of public sentiment seems to be largely in favor of public ownership of public utilities; therefore be it resolved,

First, That this League is strongly in favor of the ownership by cities of such public utilities as are for the benefit of the public.

Second, That we favor the submission to the people of this State at the earliest possible time, the question of an amendment to the constitution which will permit and allow every city to run, own and operate all of its public utilities, and we hereby request the Governor and Legislature to prepare and submit such a proposed amendment at the first election after the convening of the Legislature.

Third, That the President of this League be and is hereby authorized to appoint a committee of five, which committee is hereby instructed to use such efforts as may be possible to carry out the foregoing preamble and resolution.”

Lee E. Joslyn of West Bay City, Chairman:

Martin G. Loennecker of Jackson.

E. W. Hastings of Traverse City.

George R. Perry of Grand Rapids.

W. G. Howard of Kalamazoo.

Committee.

Resolved by the House of Representatives, That in view of the action taken by these representatives of our Michigan cities, and also in view of the importance that attaches to the subject, and the interest taken in municipal ownership by the people in general, that a respectful message be sent to his excellency, the Governor, requesting that this subject be considered by him in a message during the present session of the Legislature and such action authorized by constitutional amendment or otherwise as the situation seems to warrant.

Mr. McKay moved that the resolution be referred to the committee on municipal corporations.

Pending which,

On motion of Mr. Chamberlain,

The resolution was laid on the table.

Mr. Chamberlain offered the following:

Whereas, Hon. Frank Shepherd has resigned his position as representative from the Cheboygan district in order that he may take his seat as circuit judge of his circuit, on Jan. 1, next,

Resolved, That the congratulations of this House be tendered Brother Shepherd upon his promotion, and that we tender him our hearty good will and best wishes as he enters upon his new field of labor,

Which was adopted.

Mr. Burch offered the following:

Whereas, There have been serious charges made, both by private individuals and through the press, regarding the methods by which the McLeod bill was passed through the last session of the legislature, be it

Resolved, That the Speaker of the House of Representatives be and is hereby instructed to appoint a committee of five members of the House, with power to subpoena witnesses, administer oaths and thoroughly investigate the question in full.

The question being on the adoption of the resolution,

Mr. Chamberlain moved that the resolution be amended so as to make the investigation by the grand jury of Ingham county.

Which motion prevailed.

Mr. Burch moved that the resolution be further amended so as to request the grand jury to investigate instead of instruct.

Pending which,

On motion of Mr. Herrig,

The amendment was laid on the table; by which action the resolution was carried to the table.

Mr. Chamberlain moved that the use of Representative Hall be granted to the State Teachers' Association for tomorrow forenoon.

Which motion prevailed.

Mr. Pearson moved that the House adjourn until 2 o'clock p. m. tomorrow,

Which motion prevailed.

{ REPRESENTATIVE HALL, LANSING,  
Thursday, December 28, 1899.

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by Rev. Mr. Brancheau.

Roll called: quorum present.

Absent without leave: Messrs. Colby, Dickinson, Foster, Gustin, Heineman, Lugers, Robinson, Scully, and Stewart.

On motion of Mr. W. A. Robinson,

Leave of absence was granted to Mr. Robinson indefinitely on account of sickness.

On motion of Mr. Carton,

Leave of absence was granted to Mr. Gustin until Saturday.

Mr. Aldrich arose to a question of personal privilege, in that there appeared in the Detroit Journal of December 21st an interview with Representative Phillips, chairman of the war fund investigation committee, to the effect that "if the majority of the committee had not prevented him from continuing the investigation, that he believed that he would have discovered frauds in the military department." In reply to the statements contained in said interview, he desired to state that every witness whom Mr. Phillips desired to have called was called, and that nothing was done or said by any member of the committee to prevent the continuance of the investigation.

By the Clerk:

I have to report that I have this day enrolled, compared and presented to the Governor,

Concurrent resolution, relative to the appointment of Lewis M. Miller as commissioner on the revision of the United States statutes,

In accordance with the rules and order of the House: the receipt for the same being dated 9:38 a. m., Dec. 28, 1899.

LEWIS M. MILLER,  
Clerk of the House.

Mr. Fleischhauer moved that the House adjourn,

Which motion prevailed, and

The Speaker declared the House adjourned until 10 o'clock a. m., tomorrow.

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{ REPRESENTATIVE HALL, LANSING,  
Friday, December 29, 1899.

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by Rev. Mr. Hunt,

Roll called: quorum present.

Absent without leave: Messrs. Foster, Heineman, Lugers, Moore and Stewart.

On motion of Mr. Collins,

Leave of absence was granted to himself for the session.

On motion of Mr. Davis,

Leave of absence was granted to Mr. Lugers indefinitely on account of sickness.

#### PRESENTATION OF PETITIONS.

No. 1. By mail to the Clerk: Resolutions of the common council of Detroit, asking that the constitution be amended.

The resolutions was read at length and spread at large on the Journal, as follows:

By Alderman Marx:

Whereas, The Supreme Court of the State of Michigan has declared that under the constitution of the State, cities and other municipalities are not permitted to own and operate street railways within their limits, and,

Whereas, Said constitution was adopted nearly fifty years ago and long before street railways were in existence of had been thought of, and

Whereas, Street railways have been decided by the Supreme Court of the State to be intended to relieve the burden of travel and traffic upon our public highways and streets, and therefore should be subject to the same control, and

Whereas, The control, ownership and operation of street railways within our city has become a great public necessity in order to prevent the absorption of our streets and highways by great monopolies.

Therefore, Resolved, That at the present special session of the Legislature his Excellency, the Governor of the State, and the Legislature thereof are hereby earnestly requested each to do their part towards submitting to the people an amendment to the constitution, whereby municipalities within the State may have authority, under proper restrictions of the Legislature, to own, control and operate street railways and other public utilities within their limits, whenever the people of such municipalities vote therefor.

Resolved, That a certified copy of this resolution be sent at once to the Governor of the State and to each branch of the Legislature.

STATE OF MICHIGAN, } ss.  
City of Detroit.

City Clerk's Office, Detroit.

I, John A. Schmid, City Clrk of the City of Detroit, in said State, do hereby certify that the foregoing and annexed paper is a true copy of a resolution, adopted by the common council, at a session held on the 28th day of December, 1899, and approved by the mayor on the..... day of ..... 189... , as appears from the Journal of said board remaining in the office of the city clerk of Detroit, aforesaid; that I have compared the same with the original in my office, and the same is a correct transcript therefrom, and of the whole of such original,

In witness whereof, I have hereunto set my hand and affixed the corporate seal of said city, at Detroit, this twenty-eighth day of December, A. D. 1899.

[Seal]

JOHN A. SCHMID,  
City Clerk.

Referred to the committee on Municipal Corporations.

## REPORTS OF SPECIAL COMMITTEES.

By the special committee on Mileage:

The special committee on Mileage beg leave to report the following amounts of mileage as due to newly appointed employes:

Arthur Humphrey, messenger 118 miles; Leonard Hermeneau, press clerk, 180 miles.

And respectfully report that having had the same under consideration, we recommend that the report be adopted, and ask to be discharged from the further consideration of the subject.

WM. D. KELLY,  
JOSEPH McLEAN,  
GEO. E. GILLAM,  
Committee.

Report accepted and committee discharged.

The question being on the adoption of the report of the committee,  
The report was adopted.

## MESSAGES FROM THE GOVERNOR.

The Speaker announced the following:

EXECUTIVE OFFICE,  
Lansing December, 29, 1899.

To the House of Representatives:

I consider it my duty to present for your consideration the question of submitting to the people of this State a proposed amendment to the constitution, authorizing municipalities to own, and operate waterworks, lighting plants and street railways.

At a meeting of the League of Michigan Municipalities, representing twenty-two of the largest cities of the State, held at Grand Rapids on the 26th day of September of the present year, the following resolutions were adopted:

"Whereas, The Supreme Court in construing the provisions of section 9 of article 14 of the constitution has held that a municipal corporation cannot own and operate a street railway, and

"Whereas, The franchises of the street railways in some of the cities of the State are nearing termination of existence, and that by elimination of municipal ownership as an element of possible competition practically leaves said cities at the mercy of the street railway companies, placing them in a position to dictate the terms and conditions upon which they will accept a renewal of such privileges, probably wringing from such municipalities an exorbitant rate of fare, and

"Whereas, The trend of public sentiment seems to be largely in favor of public ownership of public utilities; therefore, be it

"Resolved: First that this league is strongly in favor of the ownership by cities of such public utilities as are for the benefit of the public; second, that we favor the submission to the people of the State at the earliest possible time the question of an amendment to the constitution, which will permit and allow every city to run, own and operate all its public utilities, and we hereby request the Governor and Legislature to prepare and submit such a proposed amendment at the first election after the con-

vening of the Legislature; third, that the President of this league is hereby authorized to appoint a committee of five, which committee is hereby instructed to use all efforts as may be possible to carry out the within and foregoing preamble and resolution."

At a special meeting of the common council of the city of Detroit held on the 28th of this month, the following resolutions were adopted:

"Whereas, The Supreme Court of the State of Michigan has declared that under the constitution of the State, cities and other municipalities are not permitted to own and operate street railways within their limits, and,

"Whereas, Said constitution was adopted nearly fifty years ago, and long before street railways were in existence, or had been thought of, and,

"Whereas, Street railways have been decided by the Supreme Court of the State to be intended to relieve the burden of travel and traffic upon our public highways and streets, and therefore should be subject to the same control, and,

• "Whereas, The control and ownership and operation of street railways within our cities has become a great public necessity in order to prevent the absorption of our streets and highways by great monopolies;

"Therefore, Resolved, That at the present special session of the Legislature his Excellency, the Governor of the State, and the Legislature thereof are hereby earnestly requested each to do his part towards submitting to the people an amendment to the constitution, whereby municipalities within the State may have authority, under proper restrictions of the Legislature, to own, control and operate street railways, and other public utilities within their limits, whenever the people of such municipality vote therefor;

"Resolved, That a certified copy of this resolution be sent at once to the Governor of the State and to each branch of the Legislature."

Had I no convictions of my own in favor of municipal ownership of public utilities, I could not ignore these requests, coming as they do from representative bodies, composed of men whose official duties must, of necessity, make them acquainted with the wishes and wants of the great mass of people whom they represent. At the time of the adoption of the present constitution of Michigan, there were no street railways in existence. The train railway act, under which street railways were first organized, was passed twelve years after the constitution was adopted, and the present street railway act did not become a law until 1867.

The first street railway franchise was granted in Detroit in 1862, when the city had a population of less than 50,000. As an invitation for capital to embark in the business of the operation of street railways, rights, which were almost exclusive and monopolistic in their character were conferred by authority of law upon private corporations owning public franchises. Long term contracts were made, in which rates of fare were fixed beyond the power of reduction during the life of the contract.

The right of consolidation of street railways was permitted by act of the Legislature. Authority to mortgage and bond, not only the physical property of the road, but also the franchises or licenses under which they operate, was given. This permitted the issue of an almost unlimited amount of bonds, which the people who were compelled to ride, must, of necessity, pay.

These favors and privileges were undoubtedly bestowed with the best of motives, to encourage an infant industry and to aid those who had not only the means but the courage to embark in an enterprise the success of which was unknown.

Those days have passed and we have entered upon a new era.

The marvelous growth of cities, the wonderful improvement in motive power, the continually increasing value of franchise rights, form a combination of circumstances which work with gradual but certain power to transfer millions of dollars from the pockets of the many into the coffers of the few.

We cannot blame those whose foresight and enterprise have enabled them to take advantage of laws which have given the power to mortgage the earnings of a generation. But if we do not attempt, by all lawful means, to recover for the people that which of right belongs to them, our offense will be greater than which our fathers committed when they knew not what they did.

It is not my purpose to attempt to give in detail the reasons for my belief in the principle of municipal ownership. Few people will now question the wisdom of municipal ownership of waterworks and lighting plants, excepting those whose personal interests may influence their judgment; but every argument that can be presented against the right of a city to furnish its inhabitants with cheap transportation can be used against the right to furnish light and water.

Water, light and transportation, are the three great necessities of the modern city. They must be had by all the people every day in the year, and they should be at the command of every citizen at the least possible cost.

In the year 1898, nearly fifty millions of people rode upon the street cars of Detroit. Those who have studied the question with a view of learning the truth, will tell you that if the city were to operate street railways, passengers could be carried for two cents each without loss. When the city acquires the roads and with these the perpetual right to operate them, the man with the moderate priced home will save enough each year on his street car fare to pay all his taxes, city, county and State.

When the city turns over to a private corporation, operating a monopoly like a street railway system, the right to levy indirect taxes for thirty years, the corporation becomes the master, and the city the slave; and every city of the United States has voluntarily placed itself in the position of paying tribute to these indirect tax gatherers, and it is no exaggeration to say that a thousand millions of dollars of such tribute have been unnecessarily paid. The fact that this tribute is collected in small sums, upon the installment plan, makes the burden no less grievous to be borne.

If the street railways of Detroit can be operated profitably upon the basis of three cent fares, which no intelligent person now doubts, the payment of five cents is an extortion to the extent of two cents for each passenger. Upon the basis of fifty million passengers per year, the total sum extorted would be one million dollars per annum, upon the basis of the present population. It is the constant leaching of the masses of the people by processes such as this that, within the last twenty-five years, has made thousands of millionaires.



It is time for those who live, not only for the present, but who have a clear eye for the future, to consider these great questions seriously.

It was with a view of inaugurating municipal ownership in Detroit, and setting an example which might be followed in other cities, that I urged the passage at the last session of this Legislature of the act known as the McLeod Law. In my opinion that act was the most progressive and most beneficent act which has been passed by any Legislature of the United States during the last quarter of a century. Its influence would have been so far reaching that its benefits could not be estimated.

Had this act been put in force, the city of Detroit could have acquired all of the street railway property at its present cash value, and have paid for it out of the earnings of the roads, without incurring a dollar of liability, and while paying for them, the people, who are forced to ride upon the street cars, would have saved at the least calculation \$500,000 per year.

Unfortunately for the masses, who have no way of being heard except through their representatives, the enemies of municipal ownership and the friends of special privileges and monopolies attacked the validity of the law, and the Supreme Court of the State decided that it was unconstitutional.

It was well that the decision was rendered in time to give this Legislature an opportunity before its final adjournment, to set upon foot a movement which will make it famous in the history of modern civilization and advancement.

If the constitution of this State stands as an obstruction across the pathway of wise legislation, it should be changed. If half the time of courts must be taken up with discussions as to the meaning of words, those words should be written so plainly that the skillful hairsplitter will be compelled to abandon his profession. If the constitution of this State will permit cities to pave streets and build sewers and own and operate plants for furnishing water and light, and to spend millions of dollars for parks, boulevards, menageries and aquariums, and is such a weak and uncertain thing that it will not permit cities to furnish the most necessary article of all, namely, rapid transportation, at cost, a little modern civilization should be injected into it, and it should be brought down to date.

It may be that upon this subject I am considered radical. It is a subject which has occupied my serious thought and earnest study for ten years. It is a growing question, and its growth cannot be stopped.

The highways of cities may be used for street railway purposes without compensation to lot owners or resident citizens; and, on several occasions, I am informed, our Supreme Court has held that the monopoly of streets for such a purpose creates no additional servitude, but is as legitimate as the laying of water pipes or gas mains; so that such railways become public matters, requiring legislation and attention as fully as if they belonged to the city.

One of the most serious questions to be considered is the fact that as the present franchises approach their termination there exists a constant temptation to influence the municipal authorities to grant extensions. The power of money is so great, the rights secured from municipalities are so valuable, that there is a constant endeavor upon the part of unscrupulous men to seek to fill municipal offices for the sole purpose of

legislating for private corporations, and not for the purpose of representing the people, by whom they were chosen.

I know that the argument is frequently made by the enemies of municipal ownership that it will open the door to official corruption and a waste of public money.

Inasmuch as the affairs of our street railways, under municipal ownership, must be conducted under the constant eye of the public, this argument can have no force, except as an excuse for retaining the present system. Such arguments can be used with equal force against a municipality constructing its own sewers and paving its own streets, and building its public buildings and providing for its fire department and its public schools and parks.

The money required for these purposes must be met by direct taxation, whereas the money required in the operation of a street railway can be wholly secured from the patrons of the road, and every safeguard can be provided for the honest, economical and judicious operation of the system.

I present these suggestions to you for your calm considerations, believing that the time has come for the State of Michigan to permit its citizens to try an experiment which cannot fail to be productive of great and good results.

Respectfully submitted,

H. S. PINGREE,

Governor.

On motion Mr. Lusk,

The message was referred to the committee on Municipal Corporations.

#### INTRODUCTION OF BILLS.

Mr. Lusk, unanimous consent being given, introduced

House joint resolution No. 5, entitled

Joint resolution proposing an amendment to Sec. 9, of Article XIV, of the constitution of this State, relative to finances, taxation and internal improvements.

The joint resolution was read a first and second time by its title and

On motion of Mr. Lusk,

The joint resolution was referred to the committee on Municipal Corporations.

Mr. Phillips arose to a question of personal privilege, and stated that there appeared in the message of Gov. Pingree to the House on May 22 last, which message this House refused to consider, these words relating to the report of the special committee of the House to investigate the expenditure of the war loan fund: "The majority report was prepared before the contents of the minority were made known." This statement is evidently intended to leave the impression that so far as the two reports are similar that the minority report is copied from the majority report. While this statement is entirely untrue I desire to exonerate the Governor from any blame for making the statement since he could not have known, except by hearsay of its truth or falsity; but in justice to the minority of the committee, and especially to myself, I beg to be allowed to state that the majority report was only written after the majority members of the committee had spent an entire week in an exhaustive discussion of what afterwards, with a change of less than a dozen words, became the

minority report as presented to the House, and that the statement above quoted, from whatever source it may have emanated, is an entire perversion of the facts."

Mr. Phillips asked leave to further state as a question of personal privilege that in the remarks of Mr. Aldrich as printed in yesterday's House Journal, that he is incorrectly reported, and asks leave to have printed the exact language used by him in the interview to which objection was made as follows:

"I answered the grand jury by saying that the questions were hardly fair. I told them frankly that I didn't have an opinion on those two questions, and that there were two things which prevented me from having an opinion. First, the records and papers relating to the purchase of supplies at Island Lake were lost or destroyed. Second, when the legislative military investigation committee got back to Lansing after completing its work out in the State, the three members of the committee who had been cold in pursuing the investigation voted that no further investigation should be made. I told the jury that I believed that if the investigating committee had been allowed another week of investigation and active work at Lansing, that I would have had an opinion upon the questions asked me, a very decided opinion, and would have been able to give the grand jury that opinion. I am convinced that the investigating committee would have discovered something, possibly of a startling nature, but it was urged not to take the time."

Mr. Phillips further remarked, it will be readily seen that the newspaper article sets forth my opinion only, and to that opinion I shall adhere, believing it to be well founded.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, December 28, 1899.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to transmit to the House the following concurrent resolution:

Resolved by the Senate (the House concurring), That the Secretary of State be and is hereby empowered to cause to be distributed to the Supervisors, or other assessing officers, of each of the incorporated cities of this State, all documents authorized by act No. 44 of the Public Acts of 1899 to be distributed to township supervisors.

And to inform the House that the resolution has been adopted by the Senate. In this action of the Senate the concurrence of the House is respectfully asked.

Very respectfully,  
CHARLES S. PIERCE,  
Secretary of the Senate.

The question being on concurring in the adoption of the resolution,  
The resolution was adopted.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, December 28, 1899.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to transmit to the House the following concurrent resolution:

Resolved (the House concurring), That from and after December 29, 1899, the two Houses of the Legislature will transact no other business than for the President of the Senate and Speaker of the House to sign enrolled bills for the approval of the Governor, and the entry of the same on the Journal by the Secretary of the Senate and the Clerk of the House, and the final adjournment of the Legislature shall be on the 30th day of December, 1899, at 12 o'clock, noon of that day;

And to inform the House that the resolution has been adopted by the Senate. In this action of the Senate the concurrence of the House is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,  
Secretary of the Senate.

The question being on concurring in the adoption of the resolution,  
On motion of Mr. Chamberlain,  
The resolution was laid on the table.

#### MOTIONS AND RESOLUTIONS.

Mr. Chamberlain offered the following:

Resolved, (the Senate concurring), That when the Legislature adjourns today, it stand adjourned to Tuesday, Jan. 2, 1900, at 9 o'clock p. m.

Pending the order that the resolution lie over one day under the rules,

Mr. Chamberlain moved that the rules be suspended, and the resolution be put upon its immediate consideration.

Which motion did not prevail, two-thirds of all the members present not voting therefor.

The resolution was then laid over one day under the rules.

Mr. Kelly, moved to discharge the committee on Municipal Corporations from the further consideration of

House joint resolution No. 5, entitled

Joint resolution proposing an amendment to Sec. 9 of Article XIV of the constitution of this State, relative to finance, taxation and internal improvement,

And that the joint resolution be referred to the committee on Judiciary.

Mr. Lusk moved that the motion do lie on the table.

On which motion,

Mr. Kelly demanded the yeas and nays.

The demands was seconded, and the motion prevailed, by yeas and nays, as follows:

#### YEAS.

Mr. Alward  
Babcock  
Baumgärtner

Mr. Hammond  
Hatzenbuehler  
Heck

Mr. Phillips  
Read, J. H.  
Reed, W. A.

Mr. Bryan	Mr. Herrig	Mr. Robinson
Carton	Hofmeister	Schmidt
Chandler	Howell	Scully
Cheever	Laflamboy	Shisler
Colby	Locher	Soper
Crosby	Lusk	Stumpenhusen
Davis	McLean	Sutherland
Dingley	McLeod	Taziman
Doyle	Mason	Waterbury
Duff	Miller	Wayne
Eikhoff	Murdoch	Weier
Gillam	Murphy	Weter
Gillette	Niedermeier	Wheeler
Goodell	Oberdorffer	Wood
Goodyear	Pearson	Speaker

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## NAYS.

Mr. Anderson	Mr. Gordon	Mr. Randall
Brownell	Hall	Reed, G. W.
Burch	Keep	Rulison
Burdick	Kelly	Van Camp
Buskirk	Kingott	Watters
Chamberlain	McCall	Wells
Dudley	McKay	Whitney
Fleischhauer	Nash	Woodruff
Goodrich	Nevins	

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Mr. Carton offered the following:

Resolved, That the committee on City Corporations be directed to cause five hundred copies of the joint resolution, providing for the submission of an amendment to Sec. 9 of Article XIV of the constitution of the State of Michigan, to be printed at once for the use of the members of this House,

Which was adopted.

Mr. McCall offered the following:

Whereas, In view of the fact that the several beet sugar manufactories of this State, are not only making expenses from the manufacture of beet sugar, but also a large surplus aside from the bounty now paid by the State of Michigan for the stockholders, as shown by their books, and

Whereas, Great dissatisfaction has been expressed by many of the tax payers and beet growers of this State in relation to the payment of such sugar beet bounty to the various manufactories now in existence, therefore,

Resolved, That a respectful message be sent to his Excellency, the Governor, requesting that this subject be considered by him in a message during the present session of the Legislature, and such action authorized as will lead to the repeal of Act No. 48 of the laws of 1897, known as the Beet Sugar Bounty Law.

The question being on the adoption of the resolution,

Mr. Kelly demanded the yeas and nays.

The demand was seconded, and

Pending the calling of the roll,  
 Mr. Dingley moved that the resolution do lie on the table.  
 On which motion,  
 Mr. Kelly demanded the yeas and nays.  
 The demand was seconded, and the motion prevailed, by yeas and nays,  
 as follows:

## YEAS.

Mr. Alward	Mr. Goodrich	Mr. Nevins
Baumgærtner	Gordon	Oberdorffer
Brownell	Hall	Phillips
Bryan	Heck	Randall
Buskirk	Herrig	Read, J. H.
Carton	Hofmeister	Reed, G. W.
Colby	Laflamboy	Reed, W. A.
Colvin	Lusk	Robinson
Davis	McCallum	Schmidt
Dingley	McKay	Sutherland
Dudley	McLean	Van Camp
Duff	Mason	Wayne
Eikhoff	Miller	Wells
Gillam	Murdoch	Wheeler
Gillette	Murphy	Wood
Goodell	Nash	

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## NAYS.

Mr. Anderson	Mr. Hart	Mr. Shisler
Burch	Hatzenbuhler	Soper
Burdick	Howell	Stumpenhusen
Burfoot	Keep	Taziman
Caldwell	Kelly	Waterbury
Chamberlain	Kerr	Watters
Chandler	Kingott	Weier
Crosby	Locher	Weter
Doyle	McCall	Whitney
Fleischhauer	Niedermeier	Woodruff
Goodyear	Scully	Speaker
Hammond		

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Mr. Chamberlain offered the following:

Resolved, That the Clerk of the House be and he is hereby directed to compile and prepare for publication, make indexes and superintend the publication of the Journals and documents of the present House of Representatives, and when complete and certified to by the Speaker of the House, said Clerk shall be entitled to and shall receive the sum of two hundred dollars for such services; a warrant for the same to be drawn by the Auditor General on the certificate of said Speaker.

Which was adopted.

By unanimous consent:

The Speaker announced the following:

EXECUTIVE OFFICE,  
Lansing, December 29, 1899.

To the House of Representatives:

By a vote of a majority of the members present at yesterday's session of the Senate, House Joint Resolution No. 1, was defeated. This resolution provided for the submission to the people, at the election next fall, of an amendment to the constitution permitting the assessment and taxation of corporate property upon its value.

It is not my purpose, in this message, to charge those Senators, whose votes rejected the joint resolution, with a lack of faith in the strength and efficiency of our Republican form of government or in the wisdom and sense of justice of the people, who are denied the right to vote upon the amendment. It does seem, however, that the plank in the Republican platform favoring "the immediate repeal of the tax upon the gross earnings of railroad companies," and favoring the enactment of a law providing for a "tax to be levied upon the true value" of the property of these corporations should have had some weight.

It is also not unreasonable to assert that the wishes of more than 243,000, being a majority of the 411,000 people who voted at the last State election, should be given some consideration. They declared their belief in taxation of corporate property upon its value instead of upon gross earnings. By the action of the Senate yesterday they are denied the privilege of incorporating their belief in the constitution of the State.

No one can doubt the strength of the convictions of the Senators who voted to retain the specific taxation of railroad and certain other corporate property since they have registered their convictions in the face of an almost universal demand for the abolition of specific taxation.

With practical unanimity the advocates of specific taxation in the Senate argued that if railroads were not paying their shares of taxes the rate of their specific taxes could be increased. I believe that the present situation warrants and demands an immediate increase of the specific taxes of railroads.

This necessity is apparent from the arguments and figures adduced by those who urged specific taxation in the Senate yesterday.

As has been many times before stated, the cost of railroad property in the State, according to the sworn statements in the office of the railroad commissioner, is about \$300,000,000. It is claimed that this is not a fair valuation for purpose of assessment and taxation of railroad property. A member of the Senate stated that the State Tax Commission had asserted that information in their possession led them to believe that all property in the State taxed upon its value was not assessed for more than two-thirds of its actual cash value. It was, therefore, urged that it is unfair to assume that the value of railroad property for the purpose of taxation should be fixed at \$300,000,000, its full cost, while other property is assessed at not more than two-thirds of its actual value.

In order to demonstrate that railroads are not paying their share of taxes at present, let us assume that their property would be assessed at one-half of its cash value instead of two-thirds. It would seem, therefore, that no one would have the slightest ground for criticism of an assessment of railroad property at \$150,000,000.

A computation has been made showing the rate of taxation upon all property in the State, not paying specific taxes, to be 2.08 per cent. This

rate was upon the floor of the Senate yesterday declared to be incorrect and the assertion was made that the average rate of taxation was about  $1\frac{1}{2}$  per cent. Let us take the average rate of taxation as claimed by the defenders of specific taxation and apply it to the assessed value of \$150,000,000, which is less than the valuation claimed by those who advocate specific taxation.

The result shows that railroads should be paying at least \$2,250,000.

This result is arrived at, not by taking property at the assessment and average rate of taxation in the State as I believe them to be, but by accepting, for the sake of argument, the figures and claims put forth by members of the Legislature who insist that specific taxation is the only correct theory of railroad taxation and whose insistence even goes to the extent of denying the people the right to change the constitution to meet their views upon this all important subject.

Railroads, as you know, are now paying only \$1,036,755.06. Assuming the arguments and figures of those who advocate specific taxation to be fair and true it has been demonstrated that the railroads of the State ought to pay at least \$2,250,000,000, being about \$1,250,000 more than they are now paying.

I therefore, hereby submit to you the subject of taxation of railroad companies and union railroad station companies, and earnestly recommend that you enact a law increasing the specific taxes of such corporations to about the sum of \$2,250,000 or to such amount as may be just and equitable and no more.

Respectfully submitted,

H. S. PINGREE,  
Governor.

On motion of Mr. Eikhoff

The message was referred to the committee on Railroads.

Mr. Fleischhauer, unanimous consent being given, introduced

House bill No. 6, entitled

A bill to provide for the taxation of railroad companies and union railroad station companies doing business in this State.

The bill was read a first and second time by its title and referred to the committee on Railroads.

Mr. Chamberlain moved to suspend the rules so as to allow the immediate consideration of the following resolution, this day laid over one day under the rules:

Resolved, (the Senate concurring), That when the Legislature adjourns today, it stand adjourned until Tuesday, January 2, 1900, at 9 o'clock p. m.

Which motion prevailed, two-thirds of the members present, voting therefor.

The question then being on the adoption of the resolution,

The resolution was adopted.

On motion of Mr. Bryan.

The House took a recess until after 11:45 o'clock, this morning.



## AFTER RECESS.

11:45 a. m.

The House was called to order by the Speaker.

By unanimous consent:

The Speaker announced the following:

To the Honorable Senate and House of Representatives:

In accordance with my own views heretofore expressed, and in compliance with the expressed wish of a large number of Senators and Representatives, I present to you for your consideration the following specific matter:

The copper and iron mining companies of the State of Michigan are not paying their proportionate share of taxes, either State, county or local. the fundamental basis of taxation is that taxing officers should have the facilities and the power to determine the basis upon which taxes are levied and assessed. While upon every class of property whose value can be determined by investigation of taxing officers I am in favor of an ad valorem tax that shall equalize them with all others, there are classes of property that cannot easily be assessed in that manner, and among them are mining properties. It is difficult for the assessor to know the actual value of a mine. Its values are hidden and can never be known until the ores are uncovered.

There is little question but that the State is losing vast sums of money each year in the matter of taxation by the present system of taxing mining properties. The mines of the Northern Peninsula are largely owned by non-residents of the State. But a very small proportion of the stocks are owned by citizens of this State. These foreign owners elect and control the assessing officers, and these properties are taxed and assessed at such values as they choose to place upon themselves. The copper mines of Houghton county alone are quoted upon the market at not less than 130 millions of dollars today, and yet the whole property of Houghton county, including mines and all other properties, with sixty thousand population, cities and villages, is only equalized and assessed at forty-two millions of dollars. The inequalities in other localities are just as glaring.

I therefore submit to you the proposition of passing a law that shall require the taxation of iron and copper mining companies upon their output, instead of an ad valorem tax as the law now requires.

Yours respectfully,

H. S. PINGREE,  
Governor.

On motion of Mr. Eikhoff,

The message was referred to the committee on Mines and Minerals.

Mr. Bryan asked unanimous consent to introduce a bill, previous notice not having been given.

Objection thereto being made,

Mr. Bryan moved that the rules be suspended and that he be permitted to introduce a bill.

On which motion,

Mr. Eikhoff demanded the yeas and nays.

The demand was seconded, and the motion prevailed, two-thirds of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich	Mr. Hall	Mr. Niedermeier
Alward	Hammond	Oberdorffer
Anderson	Hart	Pearson
Babcock	Hatzenbuhler	Randall
Baumgaertner	Heck	Read, J. H.
Brownell	Herrig	Reed, W. A.
Bryan	Hofmeister	Robinson
Burch	Howell	Schmidt
Burdick	Keep	Scully
Burfoot	Kelly	Shisler
Buskirk	Kingott	Soper
Caldwell	Laflamboy	Stumpenhusen
Carton	Locher	Sutherland
Cheever	Lusk	Taziman
Colby	McCall	Van Camp
Colvin	McCallum	Waterbury
Crosby	McKay	Wayne
Dingley	McLean	Weier
Doyle	McLeod	Wells
Duff	Mason	Weter
Eikhoff	Miller	Wheeler
Gillam	Murdoch	Whitney
Gillette	Murphy	Wood
Goodell	Nash	Woodruff
Goodrich	Nevins	Speaker
Goodyear		

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## NAYS.

Mr. Chamberlain	Mr. Fleischhauer	Mr. Phillips
Chandler	Gordon	Rulison
Davis	Handy	Watters
Dudley	Kerr	

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Mr. Bryan then introduced,

House bill No. 7, entitled

A bill to provide for the collection of specific taxes from the mining companies of the Upper Peninsula.

The bill was read a first and second time by its title, and pending its reference to the committee on Mines and Minerals,

Mr. Bryan moved that the bill be placed on the order of third reading.

Pending which,

Mr. Chamberlain moved that the bill be made the special order for Wednesday next, at 10 o'clock a. m.

Mr. Scully moved that the motion do lie on the table.

Which motion did not prevail.

The question being on making the bill the special order for Wednesday next, at 10 o'clock a. m.

Mr. McKay demanded the previous question.

The demand was seconded.

The question being shall the main question be now put,

The same was ordered.

The motion that the bill be made the special order for Wednesday next, at 10 o'clock a. m., then prevailed, two-thirds of the members present voting therefor.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, December 29, 1899.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following concurrent resolution:

Resolved, (the Senate concurring), That when the Legislature adjourns today, it stand adjourned to Tuesday, January 2, 1900, at 9 o'clock p. m.

And to inform the House that the Senate has concurred in the adoption of the resolution.

Very respectfully,

CHARLES S. PIERCE,  
Secretary of the Senate.

The message was laid on the table.

Mr. McKay moved that the House adjourn,

Which motion prevailed, and

The Speaker declared the House adjourned until 9 o'clock p. m., on Tuesday next.

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{ REPRESENTATIVE HALL, LANSING,  
Tuesday, January 2, 1900.

The House met pursuant to adjournment and was called to order by the Speaker.

Roll called: quorum present.

Absent without leave: Messrs. Anderson, Burdick, Burfoot, Carton, Chandler, Crosby, Dickinson, Dingley, Foster, Gillam, Handy, Heineman, Hofmeister, Kelly, Kerr, McLean, Mason, Moore, G. W. Reed, Robinson, Schmidt, Scully, Shisler, Soper, and Watters.

On motion of Mr. Waterbury,

Leave of absence was granted to Mr. Heineman for the day.

On motion of Mr. Wheeler,

Leave of absence was granted to Mr. Wood indefinitely on account of sickness.

On motion of Mr. Chamberlain,

Leave of absence was granted to Mr. Dudley indefinitely on account of sickness.

On motion of Mr. Fleischhauer,

Leave of absence was granted to all absentees for the day.

## MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, January 2, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to transmit to the House the following concurrent resolution:

Resolved, By the Senate (the House concurring), That the Governor be respectfully requested to send a message to the Legislature asking for the passage of a joint resolution providing for the submission to the people the question of a general revision of the constitution;

And to inform the House that the resolution has been adopted by the Senate. In this action of the Senate the concurrence of the House is respectfully asked.

Very respectfully,  
CHARLES S. PIERCE,  
Secretary of the Senate.

The question being on concurring in the adoption of the resolution,  
Mr. Stewart demanded the yeas and nays.

The demand was seconded, and

Pending the calling of the roll,

Mr. Lusk moved that the resolution be laid on the table,

Which motion did not prevail.

The question again being on the adoption of the resolution,

Mr. Fleischhauer demanded the previous question.

The demand was not seconded.

The question again being on the adoption of the resolution,

The same was then adopted, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich	Mr. Gordon	Mr. Nevins
Alward	Hall	Phillips
Babcock	Hammond	Randall
Brownell	Hart	Read, J. H.
Bryan	Herrig	Reed W. A.
Burch	Keep	Rulison
Caldwell	Laflamboy	Sutherland
Chamberlain	Locher	Van Camp
Cheever	Lugers	Wayne
Colby	McCall	Wells
Collins	McCallum	Weter
Davis	McKay	Whitney
Gillette	Murdoch	Speaker
Goodyear		

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## NAYS.

Mr. Colvin	Mr. Howell	Mr. Oberdorffer
Duff	Lusk	Pearson

Mr. Eikhoff  
Fleischhauer  
Goodrich  
Hatzenbuhler  
Heck

Mr. McLean  
McLeod  
Miller  
Murphy  
Niedermeier

Mr. Stewart  
Stumpenhusen  
Taziman  
Weier  
Wheeler

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Mr. Stewart sent to the Clerk's desk the following:

To the Clerk of the House:

I wish to give notice that I will move to reconsider the vote by which the concurrent resolution from the Senate was just adopted by the House.

A. E. STEWART.

#### MOTIONS AND RESOLUTIONS.

Mr. Lusk offered the following:

Resolved, That House rules 34 and 53 be and are hereby suspended during the continuance of the present session of the Legislature.

Mr. Colby moved to amend the resolution so as to suspend only rule 53, Which was accepted.

The question then being on the adoption of the resolution,

The resolution was not adopted, two-thirds of all the members present not voting therefor.

Mr. Bryan moved that

House bill No. 7, entitled

A bill to provide for the collection of specific taxes from the mining companies of the Upper Peninsula:

Which is now on the special order for 10 o'clock a. m. tomorrow, be printed in the Journal.

Which motion prevailed.

The following is the bill:

A bill to provide for the collection of specific taxes from the mining companies of the Upper Peninsula.

The People of the State of Michigan enact:

Section 1. All corporations and all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships engaged in the business of mining, smelting and refining ores in the Upper Peninsula of this State, shall annually pay into the State Treasury specific taxes as follows; that is to say every such corporation, association or joint stock company engaged in copper mining shall pay a tax of one-sixteenth of a cent per pound for each pound of copper produced and obtained where the annual production of said corporation, joint stock company or association for the preceding calendar year shall be less than five million pounds. Every such corporation, association or joint stock company whose annual production of copper for the last calendar year exceeds five million pounds of copper and does not exceed ten million pounds, shall pay a tax of one-eighth of one cent per pound for each pound of copper produced and obtained during said year. Every such corporation, joint stock company

and association whose annual production of copper for the last calendar year shall exceed ten million pounds of copper, but shall not exceed fifty million pounds of copper per year, shall pay a tax of one-quarter of one cent per pound for each pound of copper produced and obtained during said year. Every such corporation, association or joint stock company engaged in copper mining, whose annual production for the last calendar year shall exceed fifty million pounds of copper, shall pay a tax of one-half cent per pound on each pound of copper produced and obtained during said year. Every such corporation, association or joint stock company engaged in iron mining shall pay a tax of three cents for each ton of two thousand two hundred and forty pounds of iron ore obtained by such corporation, association or joint stock company engaged in such mining business. Said taxes shall be paid annually in the month of July at the office of the State Treasurer, or such place in the city of Detroit as he may designate.

Sec. 2. The specific taxes collected under this act shall be placed by the State Treasurer to the credit of the general fund, to be used in defraying the general expenses of the State government. Nothing herein contained shall exempt from State taxation any property of any such corporations, associations or joint stock companies not invested or used in their mining or manufacturing business.

Sec. 3. In case any such corporation, association or joint stock company shall fail to pay its specific State taxes, or any portion thereof, in the month of July, as herein provided, it shall be the duty of the Attorney General, at the request of the State Treasurer, to bring an action or actions in the name of the people of the State of Michigan against such corporation, association or joint stock company, or against any stockholder or member thereof, in any court of competent jurisdiction in this State, or in any other state or country, for the recovery of said taxes and interest thereon, from the first day of August, at the rate of 12 per cent per annum; and each stockholder or member of any such corporation, association or joint stock company shall be personally liable for such taxes. Said taxes shall be a paramount lien on all the property and assets of the corporation, association or joint stock company situated within this State, and the Attorney General, at the request of the State Treasurer, may file a bill in equity in any court of competent jurisdiction, State or federal, in this State, to enforce and foreclose such lien.

Sec. 4. All property paying specific taxes under this act shall be placed on the general assessment rolls, and shall be subject to local and to State and county taxes, the same as other property on such rolls; but the amount of State taxes paid by any such corporation, association or joint stock company during the same calendar year shall be deducted from the specific tax levied by this act, and the balance only shall be collected from such corporation, association or joint stock company.

Sec. 5. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Mr. Lusk moved that there be printed for the use of the House 500 copies of

House bill No. 6, entitled

A bill to provide for the taxation of railroad companies and union railroad station companies doing business in this State.

Pending which,

Mr Whitney moved that the House adjourn,

Which motion did not prevail.

The motion to print House bill No. 6, being again considered, the same was withdrawn.

Mr. McCallum moved that the House adjourn.

Which motion did not prevail.

GENERAL ORDER.

On motion of Mr. Stewart,

The House went into committee of the whole, on the general order.

Whereupon the Speaker called Mr. Stewart to the chair.

After some time spent therein, the committee rose, and through their chairman, made the following report:

The committee of the whole have not had anything under consideration.

A. E. STEWART,  
Chairman.

Report accepted and committee discharged.

Mr. Lusk offered the following:

Resolved, That the Clerk cause to be printed 500 copies of House bill No. 6, entitled

A bill to provide for the taxation of railroad companies and union railroad station companies doing business in this State.

Said bill being now in the possession of the committee on railroads, and that the State Printer be directed to have said copies in possession of the House by 10 o'clock a. m. tomorrow.

Which was adopted.

On motion of Mr. McCall,

The House adjourned.

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} REPRESENTATIVE HALL, LANSING;  
} Wednesday, January 3, 1900.

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by Rev. Fr. Brancheau.

Roll called: quorum present.

Absent without leave: Messrs. Burboot, Crosby, Dickinson, Doyle, Gillam, Heineman, and Woodruff.

The Speaker announced that the hour had arrived for the

SPECIAL ORDER.

Being the consideration of

House bill No. 7, entitled

A bill to provide for the collection of specific taxes from the mining companies of the Upper Peninsula.

Mr. Bryan moved that the bill be referred to the committee of the whole for consideration.

Which motion prevailed.

On motion of Mr. Bryan,

The House went into committee of the whole, on the Special order.

Whereupon the Speaker called Mr. Nevins to the chair.

After some time spent therein, the committee rose, and through their chairman, made the following report:

The committee of the whole have had under consideration the following:

House bill No. 7, entitled

A bill to provide for the collection of specific taxes from the mining companies of the Upper Peninsula.

Have made sundry amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend its passage.

B. A. NEVINS,  
Chairman.

Report accepted and committee discharged.

The question being on concurring in the amendment made by the committee to the bill.

The House concurred, and pending the order that the bill be placed on the order of third reading,

Mr. Scully offered the following:

Resolved, That House rules 34 and 53 be and are hereby suspended during the continuance of the present session of the Legislature.

Mr. Colby moved to amend the resolution so as to suspend only rule 53. Which was accepted.

The question then being on the adoption of the resolution as amended, Mr. Eikhoff demanded the yeas and nays.

The demand was seconded, and the resolution was adopted, by yeas and nays as follows:

#### YEAS.

Mr. Aldrich	Mr. Hart	Mr. Niedermeier
Alward	Hatzenbuehler	Oberdorffer
Anderson	Heck	Pearson
Babcock	Herrig	Randall
Baumgaertner	Hofmeister	Read, J. H.
Bryan	Howell	Reed, W. A.
Buskirk	Keep	Robinson
Caldwell	Kingott	Schmidt
Carton	Laflamboy	Scully
Cheever	Locher	Shisler
Colby	Lugers	Soper
Colvin	Lusk	Stewart
Dingley	McCallum	Stumpenhusen
Doyle	McLean	Sutherland
Eikhoff	McLeod	Taziman
Foster	Mason	Van Camp
Gillam	Miller	Waterbury
Gillette	Moore	Weier
Goodell	Murdoch	Wells
Goodrich	Murphy	Weter



Mr. Goodyear  
Hall  
Hammond

Mr. Nash  
Nevins

Mr. Wheeler  
Speaker

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## NAYS.

Mr. Brownell  
Burch  
Burdick  
Chamberlain  
Chandler  
Davis

Mr. Gordon  
Handy  
Kelly  
Kerr  
McKay  
Phillips

Mr. Reed, G. W.  
Rulison  
Watters  
Wayne  
Whitney

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Mr. Pearson moved that there be a call of the House.  
Which motion prevailed.

## PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave: Messrs. Burfoot, Crosby, Dickinson, Fleischhauer, and Woodfuff.

Mr. Alward moved that all absentees under the call be excused.

Which motion did not prevail.

On motion of Mr. Stewart,

The Sergeant-at-Arms was despatched after the absentees.

Mr. Burdick moved that the House take a recess until 2 o'clock this afternoon.

Which motion did not prevail.

Mr. Hammond moved that the House proceed with its business under the operation of the call,

Which motion prevailed.

Mr. Bryan moved that the rules be suspended, and that House bill No. 7, entitled

A bill to provide for the collection of specific taxes from the mining companies of the Upper Peninsula,

Be put on its immediate passage.

On which motion,

Mr. Eikhoff demanded the yeas and nays.

The demand was seconded, and the motion prevailed, two-thirds of the members present voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich  
Alward  
Anderson  
Babcock  
Baumgaertner  
Brownell  
Bryan  
Burch  
Buskirk

Mr. Hatzenbuhler  
Heck  
Heineman  
Herrig  
Hofmeister  
Howell  
Kelly  
Kingott  
Laflamboy

Mr. Niedermeier  
Oberdorffer  
Pearson  
Randall  
Read, J. H.  
Reed, W. A.  
Robinson  
Schmidt  
Scully

Mr. Caldwell	Mr. Locher	Mr. Shisler
Carton	Lugers	Soper
Cheever	Lusk	Stewart
Colby	McCall	Stumpenhusen
Colvin	McCallum	Sutherland
Dingley	McKay	Taziman
Doyle	McLean	Van Camp
Eikhoff	McLeod	Waterbury
Gillette	Mason	Wayne
Goodell	Miller	Weier
Goodrich	Moore	Wells
Goodyear	Murdoch	Weter
Hall	Murphy	Wheeler
Hammond	Nash	Whitney
Hart	Nevins	

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## NAYS.

Mr. Burdick	Mr. Foster	Mr. Reed, G. W.
Chamberlain	Gordon	Rulison
Chandler	Handy	Watters
Davis	Kerr	

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The question being on the passage of the bill,  
The bill was then read a third time and pending discussion thereon,  
On motion of Mr. McCall,  
The House took a recess until 2 o'clock this afternoon.

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AFTERNOON SESSION.

2 oclock p. m.

The House met and was called to order by the Speaker.  
A quorum present.  
The house resumed the consideration of  
House bill No. 7, entitled  
A bill to provide for the collection of specific taxes from the mining  
companies of the Upper Peninsula.  
Pending discussion,  
Mr. McKay demanded the previous question.  
The demand was seconded.  
The question being shall the main question be now put,  
The same was ordered.  
The question being on the passage of the bill,  
The bill was then passed, a majority of all the members elect voting  
therefor, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich	Mr. Hall	Mr. Nevins
Alward	Hammond	Niedermeier
Anderson	Hart	Oberdorffer
Babcock	Hatzenbuehler	Pearson
Baumgaertner	Heck	Randall
Brownell	Heineman	Read, J. H.
Bryan	Herrig	Reed, W. A.
Burch	Hofmeister	Robinson
Burfoot	Howell	Schmidt
Buskirk	Kelly	Scully
Caldwell	Kingott	Shisler
Carton	Laflamboy	Soper
Cheever	Locher	Stewart
Colby	Lugers	Stumpenhusen
Colvin	Lusk	Sutherland
Davis	McCall	Taziman
Dingley	McCallum	Van Camp
Doyle	McKay	Waterbury
Duff	McLean	Wayne
Elkhoff	McLeod	Weier
Foster	Mason	Wells
Gillam	Miller	Weter
Gillette	Murdoch	Wheeler
Goodell	Murphy	Whitney
Goodrich	Nash	Woodruff
Goodyear		

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## NAYS.

Mr. Burdick	Mr. Handy	Mr. Reed, G. W.
Chamberlain	Keep	Rulison
Chandler	Kerr	Watters
Gordon	Moore	Speaker

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Title agreed to.

## REPORTS OF STANDING COMMITTEES.

By the committee on Municipal Corporations,  
The committee on Municipal Corporations, to whom was referred  
House joint resolution No. 5 (file No. 2), entitled

Joint resolution proposing an amendment to section 9 of article XIV  
of the constitution of the State, relative to finance, taxation and internal  
improvements,

Respectfully report that they have had the same under consideration,  
and have directed me to report the same back to the House with amend-  
ments thereto, recommending that the amendments be concurred in, and  
that the bill, when so amended, be referred to the committee of the whole  
and that it do pass, and ask to be discharged from the further considera-  
tion of the subject.

PETER HERRIG,  
Chairman.

Report accepted and committee discharged.

The question being on concurring in the amendment made by the committee to the bill,

The House concurred.

The bill was then referred to the committee of the whole and placed on the general order.

Mr. McCall moved that the joint resolution just reported from committee be made the special order for 10 o'clock tomorrow morning.

Mr. Lusk moved to amend the motion by making the time for the special order 8 o'clock this evening.

On which motion,

Mr. Lusk demanded the yeas and nays.

The demand was seconded, and the motion prevailed, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich	Mr. Hart	Mr. Niedermeier
Alward	Hatzenbuehler	Oberdorffer
Anderson	Heck	Pearson
Babcock	Herrig	Randall
Baumgaertner	Howell	Read, J. H.
Brownell	Keep	Reed, W. A.
Bryan	Kingott	Robinson
Burch	Laflamboy	Scully
Buskirk	Locher	Shisler
Caldwell	Lugers	Soper
Colby	Lusk	Stewart
Colvin	McKay	Stumpenhusen
Dingley	McLeod	Sutherland
Duff	Mason	Taziman
Eikhoff	Miller	Van Camp
Gillette	Moore	Waterbury
Goodell	Murdoch	Weier
Goodrich	Murphy	Weter
Goodyear	Nash	Wheeler
Hall	Nevins	Woodruff
Hammond		

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## NAYS.

Mr. Burdick	Mr. Gordon	Mr. Reed, G. W.
Burfoot	Handy	Rulison
Carton	Heineman	Schmidt
Chamberlain	Hofmeister	Watters
Chandler	Kelly	Wayne
Cheever	Kerr	Wells
Davis	McCall	Whitney
Doyle	McLean	Speaker
Foster		

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The motion that the joint resolution be made a special order, then prevailed, two-thirds of all the members present voting therefor.

## MESSAGES FROM THE GOVERNOR.

The Speaker announced the following:

EXECUTIVE OFFICE,  
Lansing, January 3, 1900.

To the Senate and House of Representatives:

I believe that it is now almost universally admitted that the special charters now held by certain railroads ought to be surrendered or repealed. These charters were granted when the State was in an undeveloped condition and were undoubtedly given to encourage and aid in the growth and development of the State.

The railroads holding these special charters are now among the strongest and wealthiest of the railroad corporations in the State. It must be conceded that there is no fairness or justice or equity in continuing to these preferred companies the special advantages and privileges contained in their special charters, while the other railroad companies are subject to the general law and police powers of the State.

A commission was created by your body at its regular session in 1899 to negotiate for the surrender of the special charters. This commission is composed of the commissioner of railroads, the State treasurer and the secretary of State. It has no power to settle upon terms of surrender but its authority extends only to the ascertaining of the terms upon which such charters will be surrendered and report the same to the Governor to be submitted by him to the legislature.

Such a report will not be ready for submission to your body during this special session. We cannot, therefore, even know what position the railroads holding these special charters will take.

I have always taken the position, and firmly believe, that railroads which have held these special privileges and advantages for nearly half a century are entitled to no damages or compensation as a consideration for the surrender or repeal of their special charters.

The railroads enjoying these special charters are the Michigan Central Railroad Company, the Lake Shore and Michigan Southern Railroad Company, and the Detroit, Grand Haven and Milwaukee Railroad Company.

The principal advantages which they have over other railroads are: 1st. The right to regulate, by action of their own directors, the rates of passenger fares and the rates for transportation of freight, without being subject to legislative regulation or control; 2d, a tax rate which is fixed and not subject to increase from time to time by the legislature as the State grows and its necessities increase.

It is not my purpose to submit to you for your consideration the matter of freight and passenger rates. I believe, however, that with reference to such rates the railroads holding special charters should be placed under the provisions of the general railroad laws. It is sufficient to say at this time that the three railroads above mentioned, are, under their special charters, entitled to charge three cents per mile for passenger fare, while if placed under the provisions of the general railroad laws, their rates would be reduced to two cents per mile, in the case of the Michigan Central Railroad Company, and to two and one-half cents per mile in the case of the other two companies. In so far as freight rates are concerned,

natural competition has reduced such rates below the amounts fixed as the maximum charge by the legislature.

I firmly believe, however, that the time has long since passed when action should have been taken to so amend these special charters as to bring all the railroads in the State under the provisions of the general railroad laws relating to taxation. Until this is done there can be no equality of taxation. It is, to say the least, unfair to permit those railroad companies most able to pay taxes to escape their just share. It would also be unfair to any of those holding special charters to compel them to pay a higher rate of taxation than other railroads.

Every change in the system of taxation from 1869 to the present time, with but one exception, has resulted in decreasing the proportion of taxes paid by the railroads, while the needs of a growing and developing State have increased the burden of taxation upon other property.

It is unnecessary to discuss here the history of railroad taxation in this State. The facts relating thereto can be learned by reference to messages submitted to the special session of the legislature convened in 1898.

I desire to call your attention, however, to the facts that the Michigan Central Railroad Company, which has heretofore paid taxes under the general State law decided last year to pay taxes under its special charter. As a result of such action, it paid the State \$44,141.36 less than it would have paid under the general law. This information is contained in the annual report of the railroad commissioner, just submitted. It also appears by that report that the Lake Shore and Michigan Southern Railway, whose taxes were assessed at \$34,633.41 under the general law, paid under its special charter \$46,743.60, or \$12,110.19 more than they were assessed under the general law. It is just as unfair and inequitable for the Lake Shore and Michigan Southern Railway to pay over \$12,000 more under its special charter as it is for the Michigan Central Railroad to pay more than \$44,000 less under its special charter than under the general law.

The tax of the Detroit, Grand Haven and Milwaukee Railway, under its special charter would have been \$25,171.40. Under the general law it was assessed \$29,036.17, and paid the difference, \$3,864.77, under protest.

It seems to me that there is urgent necessity for settling the question of taxation of railroad property as a separate proposition. I do not believe that the question of damages will be considered by the railroad companies, but even if it should be, it is a matter which can be readily adjusted in the courts. I am led to believe that the railroads will not raise the question of damages in case they are placed under the general railroad tax laws, because they have, through their special charters escaped a large share of the taxes which they ought in equity and justice to have paid. I am aware that these privileged railroads might, if they choose, claim and demand such damages, but I believe that even if the courts should decide that the strict letter of their special charters entitled them to damages, the people of the State through the legislature would be justified in meeting such an unjust claim or demand by levying the damages upon these railroads in the form of taxation.

But I do not believe the railroads affected will take such a position. In fact I am advised by members of the commission to negotiate for the surrender of the special charters, that the president of the Michigan Cen-

tral Railroad has expressed his willingness to accept an amendment to its charter placing this road under the present general railroad tax law.

The amendment of these special charters bringing the railroads under the general tax law is not only a step which should be taken at once, but the charter itself of the Michigan Central Railroad, for instance, expressly contemplates and permits such amendment. The legislature has had the right to amend since 1876.

Section 39 of the charter provides as follows:

"The State reserves the right at any time after thirty years from the passage of this act, by a vote of two-thirds of each branch of the legislature, to alter, amend or repeal the same: Provided, That said company shall be compensated by the State for all damages sustained by reason of such alteration, amendment or repeal."

I therefore submit to you for your consideration, and such action as you may deem wise, the subject of amending the special charter of railroads in this State with relation to the taxation of their property, and I earnestly recommend that you enact a law amending those special charters so as to bring the railroads holding them under the provisions of the general laws relating to railroad taxation.

Respectfully submitted,

H. S. PINGREE,  
Governor.

On motion of Mr. Colby,  
The message was laid on the table.

#### NOTICES.

Mr. Colby gave notice that at some future day he would ask leave to introduce

A bill to amend section 33 of act No. 42 of the laws of 1846 as amended by act No. 177 of the public acts of 1893, entitled "An act to authorize the sale of the Central Railroad and to incorporate the Michigan Central Railroad Company," approved March 28, 1846, and to provide for the collection and payment of any damages resulting from such amendment.

Mr. Burdick moved that the House adjourn.

Which motion did not prevail.

On motion of Mr. Lusk,

The House took a recess until 8 o'clock this evening.

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#### EVENING SESSION.

8 o'clock p. m.

The House met and was called to order by the Speaker.

A quorum present.

The Speaker announced that the hour had arrived for the

## SPECIAL ORDER.

Being the consideration of  
House joint resolution No. 5 (file No. 2), entitled  
Joint resolution proposing an amendment to section 9, of article XIV  
of the constitution of this State, relative to finance, taxation and internal  
improvements.

On motion of Mr. Lusk,

The House went into committee of the whole, on the special order.

Whereupon the Speaker called Mr. Cheever to the chair.

After some time spent therein, the committee rose, and through their  
chairman, made the following report:

The committee of the whole have had under consideration the follow-  
ing:

House joint resolution No. 5 (file No. 2), entitled

Joint resolution proposing an amendment to section 9 of article 14 of  
the constitution of this State, relative to finance, taxation and internal  
improvements.

Have made sundry amendments thereto, and have directed their chair-  
man to report the same back to the House, asking concurrence therein,  
and recommend its passage.

HENRY M. CHEEVER,  
Chairman.

Report accepted and committee discharged.

The question being on concurring in the amendment made by the com-  
mittee to the bill,

Mr. Stewart demanded the yeas and nays.

The demand was seconded

Mr. Colby demanded a division of the question; the vote to be taken on  
each amendment reported by the committee separately, by yeas and nays.

The question being on concurring in the first amendment, namely by  
striking out in each of the lines 17 and 18, of section 9, the word "ma-  
jority" and inserting the words "two-thirds" in each case in lieu thereof.

The House concurred, by yeas and nays, as follows:

## YEAS.

Mr. Brownell	Mr. Hatzenbuhler	Mr. Oberdorffer
Burdick	Heck	Pearson
Carton	Heineman	Phillips
Chamberlain	Hofmeister	Randall
Chandler	Keep	Read, J. H.
Cheever	Kelly	Reed, G. W.
Collins	Kerr	Reed, W. A.
Davis	Kingott	Rulison
Dingley	Lafamboy	Scully
Doyle	Locher	Taziman
Dudley	Lugers	Waterbury
Duff	Lusk	Watters
Fleischhauer	McKay	Wayne
Foster	Mason	Weier
Gillette	Miller	Wells



Mr. Goodyear  
Gordon  
Hall  
Hammond  
Hart

Mr. Moore  
Murdoch  
Nash  
Nevins  
Niedermeier

Mr. Weter  
Whitney  
Woodruff  
Speaker

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## NAYS.

Mr. Aldrich  
Burch  
Burfoot  
Buskirk  
Colby  
Colvin  
Eikhoff

Mr. Goodell  
Goodrich  
Herrig  
Howell  
McCall  
McLean  
McLeod

Mr. Robinson  
Soper  
Stewart  
Stumpenhusen  
Sutherland  
Wheeler  
Wood

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The question then being on concurring in the action of the committee in striking out in line 19, section 9, the word "electors" and insert in lieu thereof the words "tax-paying electors whose names appear on the assessment roll,"

The House did not concur, by yeas and nays as follows:

## YEAS.

Mr. Gordon  
Howell

Mr. Kingott  
Pearson

Mr. Phillips

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## NAYS.

Mr. Aldrich  
Babcock  
Baumgærtner  
Brownell  
Bryan  
Burch  
Burdick  
Burfoot  
Buskirk  
Caldwell  
Carton  
Chamberlain  
Chandler  
Cheever  
Colby  
Collins  
Colvin  
Dingley  
Doyle  
Dudley  
Duff

Mr. Hall  
Hammond  
Handy  
Hart  
Hatzenbuehler  
Heck  
Heineman  
Herrig  
Hofmeister  
Keep  
Kelly  
Kerr  
Lafamboy  
Locher  
Lugers  
Lusk  
McCall  
McKay  
McLean  
McLeod  
Mason

Mr. Nevins  
Niedermeier  
Oberdorffer  
Randall  
Read, J. H.  
Reed, G. W.  
Reed, W. A.  
Robinson  
Tulison  
Scully  
Soper  
Stewart  
Stumpenhusen  
Sutherland  
Taziman  
Waterbury  
Watters  
Wayne  
Weier  
Wells  
Weter

Mr. Eikhoff  
Fleischhauer  
Gillette  
Goodell  
Goodrich  
Goodyear

Mr. Miller  
Moore  
Murdoch  
Murphy  
Nash

Mr. Wheeler  
Whitney  
Wood  
Woodruff  
Speaker

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The question being on concurring in the action of the committee in striking out in line 14, section 9, the words "street railway system,"

The House did not concur, by yeas and nays, the vote thereon being as follows:

## YEAS.

Mr. Brownell  
Burdick  
Carton  
Chamberlain  
Chandler  
Collins  
Davis  
Doyle  
Dudley  
Duff  
Fleischhauer  
Gillette  
Goodyear  
Gordon  
Hall

Mr. Hammond  
Handy  
Hart  
Keep  
Kelly  
Kerr  
Kingott  
Lafnamboy  
Locher  
Lugers  
Mason  
Miller  
Moore  
Niedermeier

Mr. Pearson  
Phillips  
Randall  
Reed, G. W.  
Rulison  
Van Camp  
Waterbury  
Watters  
Wayne  
Wells  
Weter  
Whitney  
Woodruff  
Speaker

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## NAYS.

Mr. Aldrich  
Babcock  
Baumgärtner  
Bryan  
Burch  
Burfoot  
Buskirk  
Caldwell  
Cheever  
Colby  
Colvin  
Dingley  
Eikhoff  
Goodell  
Goodrich

Mr. Hatzenbuehler  
Heck  
Heineman  
Herrig  
Hofmeister  
Howell  
Lusk  
McCall  
McKay  
McLean  
McLeod  
Murdoch  
Murphy  
Nash

Mr. Nevins  
Oberdorffer  
Read, J. H.  
Reed, W. A.  
Robinson  
Scully  
Soper  
Stewart  
Stumpfenhusen  
Sutherland  
Taziman  
Weier  
Wheeler  
Wood

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The question being on concurring in the action of the committee in inserting in line 12, section 9, after the word "village" the words "having a population of 300,000 or upwards,"

The House did not concur, by yeas and nays, as follows:

## YEAS.

Mr. Burdick  
Chamberlain  
Chandler  
Collins

Mr. Davis  
Dudley  
Fleischhauer

Mr. Gordon  
Lugers  
Reed, G. W.

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## NAYS.

Mr. Aldrich  
Babcock  
Baumgaertner  
Bryan  
Burch  
Burfoot  
Buskirk  
Caldwell  
Carton  
Cheever  
Colby  
Colvin  
Dingley  
Doyle  
Duff  
Eikhoff  
Foster  
Gillette  
Goodell  
Goodrich  
Goodyear  
Hammond  
Handy  
Hart  
Hatzenbuehler

Mr. Heck  
Heineman  
Herrig  
Hofmeister  
Howell  
Keep  
Kelly  
Kerr  
Kingott  
Lafamboy  
Locher  
Lusk  
McCall  
McKay  
McLean  
McLeod  
Mason  
Miller  
Moore  
Murdoch  
Murphy  
Nash  
Nevins  
Niedermeier  
Oberdorffer

Mr. Pearson  
Phillips  
Randall  
Read, J. H.  
Reed, W. A.  
Robinson  
Rulison  
Scully  
Soper  
Stewart  
Stumpenhusen  
Sutherland  
Taziman  
Van Camp  
Waterbury  
Watters  
Wayne  
Weier  
Wells  
Weter  
Wheeler  
Whitney  
Wood  
Woodruff  
Speaker

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The joint resolution was then placed on the order of third reading.

On motion of Mr. Carton,

Leave of absence was granted himself for tomorrow.

Mr. Dingley offered the following:

Resolved (the Senate concurring), That from and after Friday the 5th day of January inst., the two houses of the Legislature will transact no other business than for the President of the Senate and Speaker of the House to sign enrolled bills for presentation to the Governor and the entry of the same on the Journal by the Secretary of the Senate and the Clerk of the House, and the time of final adjournment of the Legislature shall be Saturday, the 6th day of January inst., at 12 o'clock noon of that day.

Pending the order that the resolution lie over one day under the rules, Mr. Dingley moved that the rules be suspended, and the resolution be put upon immediate consideration,

On which motion,

Mr. Dingley demanded the yeas and nays.

The demand was seconded, and  
Pending the taking of the vote  
Mr. Colby moved that the consideration of the resolution be indefinitely postponed.  
Pending which,  
On motion of Mr. Chamberlain,  
The House adjourned.

{ REPRESENTATIVE HALL, LANSING,  
{ Thursday, January 4, 1900.

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by Rev. Mr. Bard.

Roll called: quorum present.

Absent without leave: Messrs. Alward, Crosby, Dickinson, Foster, Gillam, Heck, McCallum, Shisler.

On motion of Mr. Hammond,

Leave of absence was granted to Mr. Alward for the day.

On motion of Mr. Lusk,

Leave of absence was granted to Mr. McCallum indefinitely.

On motion of Mr. Phillips,

Leave of absence was granted to Mr. Shisler for the day.

#### MESSAGES FROM THE GOVERNOR.

The Speaker announced the following:

EXECUTIVE OFFICE,  
Lansing, January 4, 1900.

To the Senate and House of Representatives:

The Common Council of the City of Grand Rapids and the Senators and Representatives from that city have requested me to submit to you for your consideration and action the matter of authorizing the City of Grand Rapids to borrow money for the construction of a bridge across Grand River in said city.

To accomplish the purpose desired by them it is necessary to amend section 1 of an act covering this matter, approved June 15, 1899.

I therefore, hereby submit to you the matter of authorizing the City of Grand Rapids, in Kent county, to borrow money to be expended in the construction of a bridge across Grand River at Bridge Street in said city.

Respectfully submitted,  
H. S. PINGREE,  
Governor.

The message was ordered spread on the Journal.

## INTRODUCTION OF BILLS.

Mr. Anderson, unanimous consent being granted, introduced House bill No. 8, entitled

A bill to amend section 1, of act No. 445 of the local acts of 1899, entitled "An act to authorize the city of Grand Rapids in the county of Kent and State of Michigan, to borrow money to be expended in the construction of a bridge across Grand River at Bridge street in said city," approved June 15, 1899.

The bill was read a first and second time by its title, and pending reference to a committee,

On motion of Mr. Anderson,

The rules were suspended, two-thirds of all the members present voting therefor, and the bill was put upon its immediate passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich	Mr. Hall	Mr. Niedermeier
Anderson	Hammond	Pearson
Babcock	Handy	Phillips
Baumgaertner	Hart	Randall
Brownell	Hatzenbuehler	Read, J. H.
Bryan	Heineman	Reed, G. W.
Burch	Herrig	Reed, W. A.
Burdick	Hofmeister	Robinson
Burfoot	Howell	Rulison
Buskirk	Keep	Schmidt
Caldwell	Kelly	Scully
Chamberlain	Kerr	Soper
Chandler	Kingott	Stewart
Cheever	Laflamboy	Stumpenhusen
Colby	Locher	Sutherland
Collins	Lugers	Taziman
Colvin	Lusk	Van Camp
Davis	McCall	Waterbury
Dingley	McKay	Watters
Doyle	McLean	Wayne
Dudley	McLeod	Weier
Duff	Mason	Wells
Eikhoff	Miller	Weter
Fleischhauer	Moore	Wheeler
Gillette	Murdoch	Whitney
Goodrich	Murphy	Wood
Goodyear	Nash	Woodruff
Gordon	Nevins	Speaker

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## NAYS.

0

Title agreed to.

On motion of Mr. Anderson,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Colby, unanimous consent being granted, introduced House bill No. 9, entitled

A bill to amend section 31 of act No. 113 of the laws of 1846, entitled "An act to authorize the sale of the Southern Railroad and to incorporate the Michigan Southern Railroad Company," and to provide for the collection and payment of any damages resulting from such amendment.

The bill was read a first and second time by its title and, pending its reference to a committee,

On motion of Mr. Colby,

The bill was laid on the table.

Mr. Colby, unanimous consent being granted, introduced House bill No. 10, entitled

A bill to amend section 9 of act No. 140 of the laws of 1855, entitled "An act to authorize the consolidation of the Detroit and Pontiac and the Oakland and Ottawa Railroad Companies, so far as to form a continuous line from Detroit to Lake Michigan, under the name of the Detroit and Milwaukee Railway Company," and to provide for the payment of any damages resulting from such amendment.

The bill was read a first and second time by its title and, pending its reference to a committee,

On motion of Mr. Colby,

The bill was laid on the table.

Mr. Colby, unanimous consent being granted, introduced House bill No. 11, entitled

A bill to amend section 33 of act No. 42 of the laws of 1846 as amended by act No. 179 of the public acts of 1893, entitled "An act to authorize the sale of the Central Railroad and to incorporate the Michigan Central Railroad Company," approved March 28, 1846, and to provide for the collection and payment of any damages resulting from such amendment.

The bill was read a first and second time by its title and, pending its reference to a committee,

On motion of Mr. Colby,

The bill was laid on the table.

Mr. Goodrich moved that there be a call of the House,  
Which motion prevailed.

#### PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave: Messrs. Bryan, Crosby, Dickinson, Foster, and Gillam.

On motion of Mr. Chamberlain,

The Sergeant-at-Arms was despatched after the absentees.

On motion of Mr. Colby,

The House preceeded with its business under the operation of the call.

#### THIRD READING OF BILLS.

House joint resolution No. 5 (file No. 2), entitled

Joint resolution proposing an amendment to section 9 of article XIV

of the constitution of this State, relative to finance, taxation and internal improvements.

Was read a third time, and pending the taking of the vote on the passage thereof,

Mr. Lusk moved to amend the bill by inserting in line 14, section 9, after the word "plant" the words "and sell or furnish light and water for public or private use,"

Which motion prevailed, two-thirds of all the members present voting therefor.

Mr. Heineman moved to futher amend the joint resolution by inserting in line 16, after the word "purchase" the words "which ordinance shall set forth the price and terms of such purchase or the terms and conditions for such,"

Pending which,

Mr. Goodell demanded the previous question.

The demand was seconded.

The question being shall the main question be now put,

The same was ordered.

The question being on the motion to amend,

The motion then prevailed, two-thirds of all the members present voting therefor.

The question being on the passage of the joint resolution,

The joint resolution was then not passed, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Aldrich	Mr. Hammond	Mr. Nash
Anderson	Hatzenbuhler	Nevins
Babcock	Heck	Niedermeier
Baumgaertner	Heineman	Oberdorffer
Bryan	Herrig	Pearson
Burch	Hofmeister	Read, J. H.
Burfoot	Howell	Reed, W. A.
Caldwell	Locher	Schmidt
Cheever	Lusk	Scully
Colby	McCall	Soper
Colvin	McKay	Stewart
Dingley	McLeod	Stumpenhusen
Duff	Mason	Sutherland
Eikhoff	Miller	Waterbury
Gillam	Moore	Weier
Gillette	Murdoch	Wheeler
Goodell	Murphy	Wood
Goodrich		

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#### NAYS.

Mr. Brownell	Mr. Hall	Reed, G. W.
Burdick	Handy	Robinson
Buskirk	Hart	Rulison
Chamberlain	Keep	Taziman

Mr. Chandler	Mr. Kelly	Mr. Van Camp
Collins	Kerr	Watters
Davis	Kingott	Wayne
Doyle	Laflamboy	Wells
Dudley	Lugers	Weter
Fleischhauer	McLean	Whitney
Goodyear	Phillips	Woodruff
Gordon	Randall	Speaker

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## UNFINISHED BUSINESS.

Being the consideration of the following:

Resolved (the Senate concurring), That from and after Friday the 5th day of January inst., the two houses of the Legislature will transact no other business than for the President of the Senate and Speaker of the House to sign enrolled bills for presentation to the Governor and the entry of the same on the Journal by the Secretary of the Senate and the Clerk of the House, and the time of final adjournment of the Legislature shall be Saturday, the 6th day of January inst., at 12 o'clock noon of that day.

The question being on a motion that the further consideration of the resolution be indefinitely postponed,

Mr. Burdick moved that the resolution do lie on the table.

On which motion Mr. Dingley demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

## YEAS.

Mr. Babcock	Mr. Heineman	Mr. Soper
Burch	Herrig	Stewart
Burdick	Howell	Sutherland
Chandler	McLeod	Taziman
Colby	Miller	Weier
Colvin	Murphy	Wheeler
Duff		

19

## NAYS.

Mr. Aldrich	Mr. Hatzenbuhler	Mr. Phillips
Anderson	Heck	Randall
Baumgaertner	Hofmeister	Read, J. H.
Brownell	Keep	Reed, G. W.
Burfoot	Kelly	Reed, W. A.
Buskirk	Kerr	Robinson
Caldwell	Kingott	Rulison
Chamberlain	Laflamboy	Schmidt
Collins	Lugers	Scully
Davis	Lusk	Van Camp
Dingley	McKay	Waterbury
Doyle	McLean	Watters



Mr. Dudley	Mr. Mason	Mr. Wayne
Fleischhauer	Moore	Wells
Gillette	Murdoch	Weter
Gordon	Nash	Whitney
Hall	Nevins	Wood
Hammond	Oberdorffer	Woodruff
Handy	Pearson	Speaker
Hart		

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The question again being on the motion that the further consideration of the resolution be indefinitely postponed,

Mr. Colby demanded the yeas and nays.

The demand was seconded, and pending discussion,

Mr. Kerr demanded the previous question.

The demand was seconded.

The question being shall the main question be now put,

The same was ordered.

The motion that the further consideration of the resolution be indefinitely postponed did not then prevail, by yeas and nays, as follows:

## YEAS.

Mr. Burch	Mr. Hatzenbuehler	Mr. Soper
Burdick	Heineman	Stewart
Cheever	Herrig	Sutherland
Colby	Howell	Taziman
Colvin	Lusk	Waterbury
Duff	McLean	Wheeler
Eikhoff	Nevins	

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## NAYS.

Mr. Aldrich	Mr. Handy	Mr. Pearson
Anderson	Hart	Phillips
Baumgaertner	Heck	Randall
Brownell	Hofmeister	Read, J. H.
Burfoot	Keep	Reed, G. W.
Buskirk	Kelly	Reed, W. A.
Caldwell	Kerr	Robinson
Chamberlain	Kingott	Rulison
Collins	Laflamboy	Scully
Davis	Locher	Stumpenhuisen
Dingley	Lugers	Van Camp
Doyle	McCall	Watters
Dudley	McKay	Wayne
Fleischhauer	Mason	Weier
Gillette	Miller	Wells
Goodell	Moore	Weter
Goodrich	Murdoch	Whitney
Goodyear	Nash	Wood
Gordon	Niedermeier	Woodruff
Hall	Oberdorffer	Speaker
Hammond		

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The question then being on the adoption of the resolution,  
The resolution was adopted.

Mr. Duff offered the following:

Resolved, That His Excellency, the Governor, be respectfully requested to transmit to the Legislature a message recommending such legislation as will provide for the payment from the general fund of such claims as are now on file in the office of the Auditor General as shall be found up to Dec. 31, 1899, due and payable under the act of 1899, for the relief of sick and disabled soldiers of the Spanish-American war,

Pending consideration of which,

On motion of Mr. Phillips,

The House took a recess until 2 o'clock this afternoon.

---

AFTERNOON SESSION.

2 o'clock p. m.

The House met and was called to order by the Speaker.

A quorum present.

The question pending when the House took a recess, was the adoption of the following resolution:

Resolved, That His Excellency, the Governor, be respectfully requested to transmit to the Legislature a message recommending such legislation as will provide for the payment from the general fund of such claims as are now on file in the office of the Auditor General as shall be found, up to December 31, 1899, due and payable under the act of 1899, for the relief of sick and disabled soldiers of the Spanish-American war,

Pending its further consideration,

Mr. Bryan moved that there be a call of the House,  
Which motion prevailed.

PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave: Messrs. Crosby, Dickinson, Dudley, Fleischhauer, Nevins, and Wayne.

On motion of Mr. Stewart,

The Sergeant-at-Arms was despatched after the absentees.

On motion of Mr. Heineman,

The House proceeded with its business under the operation of the call.

The question then being on the adoption of the resolution,

Mr. Aldrich moved that the resolution be amended by inserting in line 4, after the words "claims as" the words "were allowed by the auditors of each county and,"

Pending which,

Mr. Cheever moved that the further consideration of the resolution be indefinitely postponed.

On which motion,

Mr. Aldrich demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays as follows:

## YEAS.

Mr. Cheever  
Howell

Mr. McKay  
Miller

Mr. Reed, W. A.  
Stewart

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## NAYS.

Mr. Aldrich  
Anderson  
Baumgærtner  
Brownell  
Bryan  
Burch  
Burdick  
Burfoot  
Buskirk  
Caldwell  
Chamberlain  
Chandler  
Colby  
Collins  
Colvin  
Davis  
Dingley  
Doyle  
Dudley  
Duff  
Eikhoff  
Fleischhauer  
Foster  
Gillam  
Gillette

Mr. Goodell  
Goodrich  
Goodyear  
Gordon  
Gustin  
Hammond  
Handy  
Hart  
Hatzenbuhler  
Heck  
Heineman  
Herrig  
Hofmeister  
Keep  
Kelly  
Kerr  
Kingott  
Locher  
Lugers  
Lusk  
McCall  
McLean  
McLeod  
Mason

Mr. Moore  
Murdoch  
Murphy  
Nash  
Nevins  
Oberdorffer  
Pearson  
Phillips  
Reed, G. W.  
Robinson  
Rulison  
Schmidt  
Scully  
Soper  
Sutherland  
Van Camp  
Watters  
Weier  
Wells  
Weter  
Whitney  
Wood  
Woodruff  
Speaker

73

The question then being on the motion to amend.

The motion prevailed.

Mr. Chandler moved that the resolution be further amended by striking out the words "December 31, 1899," and inserting the words "January 31, 1900," in lieu thereof,

Which motion prevailed.

Mr. Phillips moved that the resolution be further amended by transferring the words "due and payable under the act of 1899," from their position in the resolution, so that they shall be inserted after the word "found," in line 4.

Which motion prevailed.

The question then being on the adoption of the resolution,

The resolution was then adopted.

Mr. Burch moved to discharge the committee of the whole from the further consideration of

House bill No. 6 (file No. 3), entitled

A bill to provide for the taxation of railroad companies and union railroad station companies doing business in this State;

And that the same be referred to the committee of the whole.

Which motion prevailed.

The House took up the order of

#### MOTIONS AND RESOLUTIONS.

Mr. Heck offered the following:

Whereas, A grand jury is now in session investigating certain charges of official misconduct and malfeasance in office on the part of certain persons holding State offices in this State and charges of bribing and corrupting State officers and of aiding and abetting in the commission of frauds upon the State, which has involved the said county of Ingham in considerable expense and is liable to involve still further expense, which ought to be borne by the State rather than by said county of Ingham; therefore.

Resolved, That a respectful message be sent to the Governor requesting him to communicate to the House whether or not in his judgment some action ought to be taken by the Legislature for the purpose of reimbursing the county of Ingham for the costs and expenses of such grand jury investigation and the trial of the cases upon any indictments found.

Mr. Burdick moved to amend the resolution by inserting after the words "county of Ingham," in the resolution, the words "and county of Calhoun."

Which motion did not prevail.

The question being on the adoption of the resolution,

Mr. Heck demanded the yeas and nays.

The demand was seconded, and the resolution was adopted, by yeas and nays, as follows:

#### YEAS.

Mr. Anderson	Mr. Gillette	Mr. Moore
Babcock	Goodrich	Nevins
Baumgærtner	Goodyear	Niedermeier
Brownell	Hall	Oberdorffer
Bryal	Hammond	Phillips
Burch	Handy	Rulison
Burfoot	Hart	Stewart
Buskirk	Heck	Scully
Chamberlain	Heineman	Stumpenhusen
Chandler	Howell	Taziman
Colby	Kelly	Van Camp
Collins	Lafamboy	Weier
Dingley	Lugers	Weter
Duff	Lusk	Wheeler
Gillam	Miller	Speaker

45

#### NAYS.

Mr. Aldrich	Mr. Herrig	Mr. Randall
Burdick	Hofmeister	Read, J. H.

Mr. Caldwell  
Cheever  
Colvin  
Davis  
Doyle  
Dudley  
Eikhoff  
Fleischhauer  
Foster  
Goodell  
Gordon  
Gustin  
Hatzenbuhler

Mr. Keep  
Kerr  
Kingott  
McCall  
McKay  
McLean  
McLeod  
Mason  
Murdoch  
Murphy  
Nash  
Pearson

Mr. Reed, G. W.  
Reed, W. A.  
Robinson  
Soper  
Schmidt  
Sutherland  
Waterbury  
Watters  
Wayne  
Wells  
Whitney  
Woodruff

43

Mr. Fleischhauer moved to take from the table,  
House bill No. 11, entitled

A bill to amend section 33 of act No. 42 of the laws of 1846 as amended by act No. 179 of the public acts of 1893, entitled "An act to authorize the sale of the Central Railroad and to incorporate the Michigan Central Railroad Company," approved March 28, 1846, and to provide for the collection and payment of any damages resulting from such amendment.

Which motion prevailed.

On motion of Mr. Fleischhauer,

The rules were suspended, two-thirds of all the members present voting therefor, and the bill was put upon its immediate passage.

The bill was then read a third time and, pending discussion,

Mr. Gustin demanded the previous question.

The demand was seconded.

The question being shall the main question be now put,

The same was ordered.

The bill was then passed, two-thirds of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich  
Anderson  
Babcock  
Baumgärtner  
Brownell  
Bryan  
Burch  
Burfoot  
Buskirk  
Chandler  
Colby  
Colvin  
Davis  
Dingley  
Doyle  
Duff  
Eikhoff  
Fleischhauer

Mr. Hall  
Hammond  
Hart  
Hatzenbuhler  
Heck  
Heineman  
Herrig  
Hofmeister  
Howell  
Keep  
Kelly  
Kingott  
Laflamboy  
Locher  
Lugers  
Lusk  
McKay  
McLean

Mr. Nevins  
Niedermeier  
Oberdorffer  
Pearson  
Phillips  
Randall  
Read, J. H.  
Reed, W. A.  
Robinson  
Schmidt  
Scully  
Soper  
Stewartt  
Stumpfenhusen  
Sutherland  
Taziman  
Van Camp  
Waterbury

Mr. Foster	Mr. McLeod	Mr. Wayne
Gillam	Mason	Weier
Gillette	Miller	Weter
Goodell	Moore	Wheeler
Goodrich	Murdoch	Wood
Goodyear	Murphy	Woodruff
Gustin	Nash	Speaker

75

## NAYS.

Mr. Burdick	Mr. Dudley	Mr. Rulison
Caldwell	Gordon	Watters
Chamberlain	Handy	Wells
Cheever	Kerr	Whitney
Collins	McCall	

14

Title agreed to.

Mr. Colby moved to take from the table,  
House bill No. 10, entitled

A bill to amend section 9 of act No. 140 of the laws of 1855, entitled  
"An act to authorize the consolidation of the Detroit & Pontiac and the  
Oakland & Ottawa Railroad Companies as far as to form a continuous  
line from Detroit to Lake Michigan, under the name of the Detroit &  
Milwaukee Railway Company," and to provide for the payment of any  
damages resulting from such amendment.

Which motion prevailed.

On motion of Mr. Colby,

The rules were suspended, two-thirds of all the members present voting  
therefor, and the bill was put upon its immediate passage.

The bill was then passed, two-thirds of all the members elect voting  
therefor, by yeas and nays, as follows:

## YEAS.

Mr. Anderson	Mr. Hammond	Mr. Niedermeier
Babcock	Hart	Oberdorffer
Baumgärtner	Hatzenbuehler	Pearson
Brownell	Heck	Phillips
Bryan	Heineman	Randall
Burch	Herrig	Read, J. H.
Burfoot	Hofmeister	Reed, G. W.
Buskirk	Howell	Reed, W. A.
Chandler	Keep	Robinson
Colby	Kelly	Schmidt
Colvin	Kingott	Scully
Davis	Lafamboy	Soper
Dingley	Locher	Stewart
Doyle	Lugers	Stumpenhusen
Duff	Lusk	Sutherland
Eikhoff	McKay	Taziman
Fleischhauer	McLean	Van Camp

Mr. Foster	Mr. McLeod	Mr. Waterbury
Gillam	Mason	Wayne
Gillette	Miller	Weier
Goodell	Moore	Wheeler
Goodrich	Murdoch	Wood
Goodyear	Murphy	Woodruff
Gustin	Nash	Speaker
Hall	Nevins	

74

## NAYS.

Mr. Burdick	Mr. Collins	Mr. Kerr
Caldwell	Dudley	Rulison
Chamberlain	Gordon	Watters
Cheever	Handy	Whitney

12

Title agreed to.

Mr. Colby moved to take from the table,

House bill No. 9, entitled

A bill to amend section 31 of act No. 113 of the laws of 1846, entitled "An act to authorize the sale of the Southern Railroad and the incorporation of the Michigan Southern Railroad Company," and to provide for the collection and payment of any damages resulting from such amendment.

Which motion prevailed.

On motion of Mr. Colby,

The rules were suspended, two-thirds of all the members present voting therefor, and the bill was put upon its immediate passage.

The bill was then passed, two-thirds of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich	Mr. Hammond	Mr. Oberdorffer
Anderson	Hart	Pearson
Babcock	Hatzenbuhler	Phillips
Baumgærtner	Heck	Randall
Brownell	Heineman	Read, J. H.
Bryan	Herrig	Reed, W. A.
Burch	Hofmeister	Robinson
Burfoot	Howell	Schmidt
Buskirk	Kelly	Scully
Chandler	Kingott	Soper
Colby	Latlamboy	Stewart
Colvin	Locher	Stumpenhusen
Davis	Lugers	Sutherland
Dingley	Lusk	Taziman
Doyle	McKay	Van Camp
Duff	McLean	Waterbury
Eikhoff	McLeod	Wayne
Foster	Mason	Weier
Gillam	Miller	Wells
Gillette	Moore	Weter

Mr. Goodell  
Goodrich  
Goodyear  
Gustin  
Hall

Mr. Murdoch  
Murphy  
Nash  
Nevins  
Niedermeier

Mr. Wheeler  
Wood  
Woodruff  
Speaker

74

## NAYS.

Mr. Burdick  
Caldwell  
Chamberlain  
Cheever  
Collins

Mr. Dudley  
Fleischhauer  
Gordon  
Handy  
Keep

Mr. Kerr  
Reed, G. W.  
Rulison  
Watters  
Whitney

15

Title agreed to.

By unanimous consent.

By the committee on Railroads:

The committee on Railroads, to whom was referred

House bill No. 6 (file No. 3), entitled

A bill to provide for the taxation of railroad companies and union railroad station companies doing business in this State,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House in accordance with its instructions, and ask to be discharged from further consideration of the subject.

A. M. FLEISCHHAUER,  
Chairman.

Report accepted and committee discharged.

The bill was referred to the committee of the whole, and placed on the general order.

## GENERAL ORDER.

On motion of Mr. Herrig,

The House went into committee of the whole, on the general order, Whereupon the Speaker called Mr. Dingley to the chair.

After some time spent therein, the committee rose, and through their chairman, made the following report:

The committee of the whole have had under consideration the following:

House bill No. 6 (file No. 3), entitled

A bill to provide for the taxation of railroad companies and union railroad station companies doing business in this State,

Have made sundry amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend its passage.

E. N. DINGLEY,  
Chairman.

Report accepted and committee discharged.

The question being on concurring in the amendment made by the committee to the bills,

The House concurred, and pending the order that the bill be placed on the order of third reading.



Mr. Lusk moved that the rules be suspended and the bill be put upon its immediate passage.

Which motion did not prevail, two-thirds of all the members present not voting therefor.

Mr. Heineman offered the following:

Resolved, By the House of Representatives (the Senate concurring), That the Secretary of State be hereby instructed and directed to cause the respective Journals of the special session, together with the acts or resolutions passed at said session, to be bound in the same volume or volumes as the Journals of the regular session of the respective Houses, and that no greater number of copies of such acts or resolutions be printed than the regular number of the aforesaid journals.

Pending the order that the resolution lie over one day under the rules, On motion of Mr. Heineman,

The rules were suspended, two-thirds of all the members present voting therefor, and the resolution was put upon its immediate consideration.

The resolution was then adopted.

Mr. Eikhoff moved that the rules be suspended, and that

House bill No. 6 (file No. 3), entitled

A bill to provide for the taxation of railroad companies and union railroad station companies doing business in this State;

Be put on its immediate passage.

On which motion,

Mr. Eikhoff demanded the yeas and nays.

The demand was seconded, and the motion prevailed, two-thirds of all the members present voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Aldrich	Mr. Hall	Mr. Nash
Anderson	Hammond	Nevins
Babcock	Hart	Niedermeier
Baumgärtner	Hatzenbuehler	Oberdorffer
Brownell	Heck	Pearson
Bryan	Heineman	Randall
Burch	Herrig	Read, J. H.
Burfoot	Hofmeister	Reed, W. A.
Buskirk	Howell	Robinson
Caldwell	Kelly	Schmidt
Cheever	Kingott	Scully
Colby	Laflamboy	Soper
Colvin	Locher	Stewartt
Davis	Lugers	Stumpenhuisen
Dingley	Lusk	Sutherland
Duff	McCall	Taziman
Eikhoff	McKay	Van Camp
Foster	McLean	Waterbury
Gillam	McLeod	Wayne
Gillette	Mason	Weier
Goodell	Miller	Wheeler
Goodrich	Moore	Wood
Goodyear	Murdoch	Woodruff
Gustin	Murphy	Speaker

## NAYS.

Mr. Burdick  
Chamberlain  
Collins  
Dudley  
Fleischhauer

Mr. Gordon  
Handy  
Keep  
Kerr  
Phillips

Mr. Reed, G. W.  
Rulison  
Watters  
Wells  
Weter

15

The question being on the passage of the bill,  
The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich  
Anderson  
Babcock  
Baumgartner  
Brownell  
Bryan  
Burch  
Burfoot  
Cheever  
Colby  
Colvin  
Davis  
Dingley  
Doyle  
Duff  
Eikhoff  
Foster  
Gillam  
Gillette  
Goodell  
Goodrich  
Goodyear  
Gustin  
Hall

Mr. Hammond  
Hart  
Hatzenbuhler  
Heck  
Heineman  
Herrig  
Hofmeister  
Howell  
Kingott  
Laflamboy  
Locher  
Lugers  
Lusk  
McCall  
McKay  
McLean  
McLeod  
Mason  
Miller  
Moore  
Murdoch  
Murphy  
Nash  
Nevins

Mr. Niedermeier  
Oberdorffer  
Pearson  
Phillips  
Randall  
Read, J. H.  
Reed, W. A.  
Robinson  
Schmidt  
Scully  
Soper  
Stewartt  
Stumpenhusen  
Sutherland  
Taziman  
Van Camp  
Waterbury  
Wayne  
Weier  
Wells  
Weter  
Wheeler  
Wood  
Woodruff

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## NAYS.

Mr. Burdick  
Buskirk  
Caldwell  
Chamberlain  
Collins  
Dudley

Mr. Fleischhauer  
Gordon  
Handy  
Keep  
Kelly  
Kerr

Mr. Reed, G. W.  
Rulison  
Watters  
Whitney  
Speaker

17

Title agreed to.  
The House took up the order of

## MESSAGES FROM THE GOVERNOR.

The Speaker announced the following:

EXECUTIVE OFFICE.

Lansing, January 4, 1900.

To the Senate and House of Representatives:

It has been represented to me that there is urgent need for the construction of a bridge over the River Rouge in the township of Springwells, Wayne county.

It is also represented to me that if the expense of the construction of the bridge can be paid for upon its completion instead of by orders issued by the township board, the township can effect a saving of nearly \$1,000.

It is estimated that the cost of the bridge will be about the sum of \$7,500.

I am further advised that there is an indebtedness of about \$11,000 upon the township, bearing a high rate of interest, which it is desirable to change into a bonded indebtedness for the purpose of reducing the rate of interest thereon.

It is the desire of the officials of the township to bond the township in the sum of \$20,000. Under the present law, that sum, if spread upon the tax rolls, cannot be extended over a period exceeding two years, and the tax would, therefore, be made too burdensome.

At the request of the Senator and Representative of that township I hereby submit to you for your consideration and such action as you may deem best, the matter of authorizing the township of Springwells to issue bonds in the sum of \$20,000 for the purpose of constructing a bridge over the River Rouge in that township and for the payment or funding of indebtedness of the township already incurred.

Respectfully submitted,

H. S. PINGREE,

Governor.

The message was ordered spread on the Journal.

The Speaker announced the following:

EXECUTIVE OFFICE.

Lansing, January 4, 1900.

To the Senate and House of Representatives:

The city of Ionia, Ionia county, in the year 1883, issued thirty thousand (\$30,000) dollars of water bonds. These bonds have matured and the city of Ionia, through its Common Council, authorized an issue of thirty thousand (\$30,000) dollars of water bonds for the purpose of redeeming and retiring the first issue.

It has been ascertained that the second issue of bonds is without authority of law. It is necessary, therefore, that an act be passed by the legislature authorizing the city of Ionia, acting through its Common Council, to issue thirty thousand (\$30,000) dollars of water bonds to redeem and retire the bonds which are now past due.

This seems to me to be an urgent matter and I therefore hereby submit it to you for such action as you may deem proper.

Respectfully submitted,

H. S. PINGREE,

Governor.

The message was ordered spread on the Journal.

The Speaker also announced the following:

EXECUTIVE OFFICE.  
Lansing, January 4, 1900.

To the Senate and House of Representatives:

At the last session of your body, a bill was passed and given immediate effect entitled "An act to change the name of fractional school district number two, of Plymouth and Novi townships in the counties of Wayne and Oakland, in the State of Michigan, to fractional school district number one of Northville and Novi townships and to add new territory thereto."

According to the personal statements and affidavits of a large number of the residents of these districts, two sections of land, in which sixteen school children live, are, by the operation of this law, not included in any school district whatever.

I am requested by the residents of the two districts referred to above and by the Representative and Senator of those districts, to submit this matter to you for your consideration.

I therefore hereby submit to you, for such action as you may deem best, the matter covered by the act to which reference is above made, so that you may either repeal or amend it.

Respectfully submitted,  
H. S. PINGREE,  
Governor.

The message was ordered spread on the Journal.

The House took up the order of

#### INTRODUCTION OF BILLS.

Mr. Bryan, unanimous consent being given, introduced  
House bill No. 12, entitled

A bill to authorize the township board of the township of Springwells in the county of Wayne, to borrow a sum of money not to exceed twenty thousand dollars in the year 1900, for the purpose of paying its proportion of the cost of constructing a bridge over the Rouge River on Fort street in said township, and to pay the present outstanding obligations and indebtedness of said township, and to issue bonds therefor.

The bill was read a first and second time by its title and, pending its reference to a committee,

On motion of Mr. Bryan,

The rules were suspended, two-thirds of all the members present voting therefor, and the bill was put upon its immediate passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Aldrich  
Anderson  
Babcock  
Baumgärtner  
Brownell  
Bryan

Mr. Hall  
Hammond  
Handy  
Hart  
Hatzenbuehler  
Heck

Mr. Niedermeier  
Oberdorffer  
Pearson  
Randall  
Read, J. H.  
Reed, G. W.

Mr. Burdick	Mr. Heineman	Mr. Reed, W. A.
Burfoot	Herrig	Robinson
Buskirk	Hofmeister	Rulison
Caldwell	Howell	Schmidt
Chamberlain	Kelly	Scully
Chandler	Kerr	Soper
Cheever	Kingott	Stewartt
Colby	Laflamboy	Stumpenhusen
Collins	Locher	Sutherland
Davis	Lugers	Taziman
Dingley	Lusk	Van Camp
Doyle	McCall	Waterbury
Dudley	McKay	Watters
Duff	McLean	Wayne
Eikhoff	McLeod	Weier
Fleischhauer	Mason	Wells
Foster	Miller	Weter
Gillam	Moore	Wheeler
Gillette	Murdoch	Whitney
Goodell	Murphy	Wood
Goodrich	Nash	Woodruff
Goodyear	Nevins	Speaker
Gustin		

85

## NAYS.

0

Title agreed to.

On motion of Mr. Bryan,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Scully, unanimous consent being given, introduced

House bill No. 13, entitled

A bill to authorize the city of Ionia to borrow thirty thousand dollars and to issue bonds of the city therefor to pay outstanding city bonds.

The bill was read a first and second time by its title and, pending its reference to a committee,

On motion of Mr. Scully,

The rules were suspended, two-thirds of all the members present voting therefor, and the bill was put upon its immediate passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich	Mr. Gordon	Mr. Murphy
Anderson	Gustin	Nash
Babcock	Hall	Nevins
Baumgaertner	Hammond	Niedermeier
Brownell	Handy	Oberdorffer
Bryan	Hart	Pearson
Burch	Hatzenbuhler	Randall
Burdick	Heck	Read, J. H.

Mr. Burfoot	Mr. Heineman	Mr. Reed, G. W.
Buskirk	Herrig	Reed, W. A.
Caldwell	Hofmeister	Robinson
Chamberlain	Howell	Rulison
Chandler	Keen	Schmidt
Cheever	Kelly	Scully
Colby	Kerr	Soper
Collins	Kingott	Stumpenhusen
Davis	Laflamboy	Taziman
Dingley	Locher	Van Camp
Doyle	Lugers	Waterbury
Duff	Lusk	Watters
Eikhoff	McCall	Wayne
Fleischhauer	McKay	Weier
Foster	McLean	Weter
Gilam	McLeod	Wheeler
Gillette	Mason	Whitney
Goodell	Moore	Wood
Goodrich	Murdoch	Speaker
Goodyear		

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## NAYS.

0

Title agreed to.

On motion of Mr. Scully,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Goodell, unanimous consent being given, introduced

House bill No. 14, entitled

A bill to repeal act number 417 of the local acts of 1899, entitled "An act to change the name of fractional school district number 2 of Plymouth and Novi townships in the counties of Wayne and Oakland, in the State of Michigan, to fractional school district No. 1 of Northville and Novi townships and to add new territory thereto."

The bill was read a first and second time by its title and, pending its reference to a committee,

On motion of Mr. Goodell,

The rules were suspended, two-thirds of all the members present voting therefor, and the bill was put upon its immediate passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich	Mr. Hall	Mr. Niedermeier
Anderson	Hammond	Oberdorffer
Babcock	Handy	Pearson
Baumgaertner	Hart	Randall
Brownell	Hatzenbuhler	Read, J. H.
Bryan	Heck	Reed, G. W.
Burch	Heineman	Reed, W. A.
Burfoot	Herrig	Robinson

Mr. Buskirk	Mr. Hofmeister	Mr. Rulison
Caldwell	Howell	Schmidt
Chamberlain	Keep	Scully
Cheever	Kelly	Soper
Colby	Kerr	Stewartt
Collins	Kingott	Stumpenhasen
Davis	Laflamboy	Sutherland
Dingley	Locher	Taziman
Doyle	Lugers	Van Camp
Dudley	Lusk	Waterbury
Duff	McCall	Watters
Eikhoff	McKay	Wayne
Fleischhauer	McLean	Weier
Foster	McLeod	Wells
Gillam	Mason	Weter
Gillette	Miller	Wheeler
Goodell	Moore	Whitney
Goodrich	Murdoch	Wood
Gordon	Nash	Woodruff
Gustin	Nevins	Speaker

84

NAYS.

0

Title agreed to.

On motion of Mr. Goodell,

By a vote of two-thirds of all the members elect, the bill was ordered to take immedite effect.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, January 4, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following bill:

House bill No. 8, entitled

A bill to amend section one of act No. 445 of the local acts of 1899, entitled "An act to authorize the city of Grand Rapids in the county of Kent and State of Michigan, to borrow money to be expended in the construction of a bridge across Grand River at Bridge street in said city, approved June fifteenth, eighteen hundred ninety-nine."

And to inform the House that in the passage of the bill the Senate has concurred, and has also concurred in ordering the bill to take immediate effect.

Very respectfully,  
CHARLES S. PIERCE,  
Secretary of the Senate.

The bill was then referred for enrollment and presentation to the Governor, under the rules.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, January 4, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following concurrent resolution:

Resolved (the Senate concurring), That from and after Friday the 5th day of January inst., the two houses of the Legislature will transact no other business than for the President of the Senate and Speaker of the House to sign enrolled bills for presentation to the Governor and the entry of the same on the Journal by the Secretary of the Senate and the Clerk of the House, and the time of final adjournment of the Legislature shall be Saturday, the 6th day of January inst., at 12 o'clock noon of that day.

And to inform the House that the Senate has concurred in the adoption of the resolution.

Very respectfully,  
CHARLES S. PIERCE,  
Secretary of the Senate.

The message was laid on the table.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, January 4, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following joint resolution:

House joint resolution No. 4, entitled

Joint resolution authorizing and directing the Attorney General to investigate and bring such legal proceedings as the law may warrant to recover the value of property alleged to have been fraudulently obtained from the State upon the sale of certain military goods and supplies and to reimburse the State for damages occasioned by fraud alleged to have been perpetrated upon the State in the sale and purchase of military goods and supplies.

And to inform the House that the Senate has amended the same as follows:

1st. By striking out of line 1 the words "authorizing and directing," and inserting in lieu thereof the word "empowering;"

2d. By striking out of line 16 the word "directed" and inserting in lieu thereof the word "empowered;"

3d. By striking out of lines 16, 17 and 18 the words "the law may warrant to recover such damages as the State may be found to have suffered by said transactions," and inserting in lieu thereof the words "he may deem best;"

4th. By inserting in line 19 after the word "State" the words in all defalcation matters."

And that in the passage of the joint resolution as thus amended the Senate has concurred.

Very respectfully,  
CHARLES S. PIERCE,  
Secretary of the Senate.



The question being on concurring in the amendment made by the Senate to the bill.

The House concurred, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich	Mr. Nevins	Mr. Nevins
Anderson	Hall	Niedemeier
Babcock	Hammond	Oberdorffer
Baumgärtner	Handy	Phillips
Brownell	Hart	Randall
Burch	Hatzenbuehler	Read, J. H.
Burdick	Heck	Reed, G. W.
Buskirk	Heineman	Reed, W. A.
Caldwell	Herrig	Robinson
Chamberlain	Howell	Schmidt
Chandler	Keep	Scully
Cheever	Kelly	Soper
Colby	Kingott	Stewart
Collins	Laflamboy	Stumpenhusen
Davis	Locher	Sutherland
Dingley	Lugers	Taziman
Doyle	Lusk	Van Camp
Dudley	McCall	Waterbury
Duff	McKay	Watters
Eikhoff	McLean	Wayne
Fleischhauer	McLeod	Weier
Foster	Mason	Wells
Gillette	Miller	Weter
Goodell	Moore	Wheeler
Goodrich	Murdoch	Whitney
Goodyear	Murphy	Wood
Gordon	Nash	Speaker

81

## NAYS.

0

The bill was referred for enrollment and presentation to the Governor, under the rules.

Mr. Whitney offered the following:

Received by the House, (the Senate concurring), That, in addition to the compensation, mileage and allowance for stationary as fixed by the law, for members representing the several senatorial and representative districts in the Upper Peninsula, there shall be allowed and paid two dollars per diem extra compensation during the present extraordinary session of the Legislature.

Laid over one day under the rules.

On motion of Mr. Duff.

The House took a recess until 8:30 o'clock this evening.

## EVENING SESSION.

8:30 o'clock p. m.

The House met and was called to order by the Speaker.

A quorum present.

Mr. Duff moved that the House take a recess until 9 o'clock this evening.

Pending which,

On motion of Mr. McKay,

The House adjourned.

{ REPRESENTATIVE HALL, LANSING,  
Friday, January 5, 1900.

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by Rev. Mr. Chase.

Roll called: quorum present.

Absent without leave: Messrs. Carton, Dickinson, Gordon, Handy, Heineman, Kerr, McLeod, Nevins, Oberdorffer.

## REPORTS OF STANDING COMMITTEES.

By the committee on Supplies and Expenditures:

The committee on Supplies and Expenditures have had under consideration the following bills:

Lansing Telephone Exchange, telephone in Journal Clerk's office, for session.....	\$5 00
Michigan Bell Telephone Company, telephone in Clerk's office, for extra session.....	5 00
Star Laundry, washing towels.....	42

And respectfully recommend that the same be allowed and ordered paid and ask to be discharged from the further consideration of the subject.

WILLIAM M'KAY,

(In the absence of the other members of the committee.)

Report accepted.

The question being on the adoption of the report,

The report was adopted and the several amounts therein ordered paid.

## MESSAGES FROM THE GOVERNOR.

The Speaker announced the following:

EXECUTIVE OFFICE,  
Lansing, December 21, 1899.

To the Speaker of the House of Representatives:

Sir—I have this day approved, signed and deposited in the office of the Secretary of State,

House bill No. 3, being

An act to amend section 2 of act No. 142 of the laws of 1899, entitled "An act to repeal section 8 of act No. 206 of the laws of 1881, entitled 'An act to provide for the uniform regulation of certain State institutions and amendments hereto,' being section 2230 of the Compiled Laws of 1897, and to provide for a change from the calendar to the fiscal year for all limited and standing appropriations where the specific act of the appropriation does not so provide."

Respectfully,  
H. S. PINGREE,  
Governor.

The message was ordered spread on the Journal.

The Speaker also announced the following:

EXECUTIVE OFFICE,  
Lansing, December 21, 1899.

To the Speaker of the House of Representatives:

Sir—I have this day approved, signed and deposited in the office of the Secretary of State,

House bill No. 2, being

An act to make available an appropriation to furnish new boilers to replace those now in use at the Michigan Soldiers' Home, being act No. 174, public acts of 1899, approved June 23, 1899, for the following purposes, viz.: The erection of a two-story boiler house; the erection of a brick chimney; the purchase and setting of boilers, including breeching to connect same with smoke stack; pipes and connections; one new engine and one new dynamo.

Respectfully,  
H. S. PINGREE,  
Governor.

The message was ordered spread on the Journal.

The Speaker also announced the following:

EXECUTIVE OFFICE,  
Lansing, January 3, 1900.

To the Speaker of the House of Representatives:

Sir—I have this day approved, signed and deposited in the office of the Secretary of State,

Concurrent resolution relative to the appointment of Lewis M. Miller as commissioner on the revision of the United States Statutes.

Respectfully,  
H. S. PINGREE,  
Governor.

The message was ordered spread on the Journal.

The Speaker also announced the following:

EXECUTIVE OFFICE,  
Lansing, January 5, 1900.

To the Senate and House of Representatives:

I have the honor to acknowledge the receipt from the House of Representatives of its resolution requesting me to transmit to the Legislature

a message recommending such legislation as will provide for the payment from the general fund of such claims of sick, disabled and needy ex-soldiers, sailors and marines of the late Spanish-American war, as may be properly audited and allowed and filed with the Auditor General of the State up to and including January 31, 1900.

It gives me pleasure to comply with the request of the House. I am glad that the opportunity is afforded me to be instrumental in relieving the needy soldiers of the recent war. I have probably come into personal contact with as many cases of distress arising out of the late war as any other individual.

Because of my official position, several hundred applications were made to me during the year just passed for my influence in securing the discharge of soldiers who had become physical wrecks in the service of their country. These requests came from the soldiers themselves and from their parents, relatives and friends. Numerous applications were also made to me for assistance in securing extension of furloughs and in helping collect burial expenses from the United States Government.

You will recall the passage by your body of a joint resolution providing for the appointment of a representative of the State to attend to the identification and shipment of the remains of deceased soldiers from Cuba and Porto Rico to their homes in Michigan. There were a considerable number of applications for help and assistance in this matter also.

Personal appeals were made to me by numbers of indigent soldiers whose health had been ruined and who were unable to find employment suited to their physical condition.

Finally the act passed by your body and approved June 21, 1899, and which you now desire to amend, resulted in bringing to my attention a very large number of applications, both by mail and in person, for information as to how to proceed to collect the claims. All of these matters not only entailed a large amount of work upon myself and the force of the Executive office, but they brought home to me and made me realize, as nothing else could do, the terrible effects of war.

The facts related to me by those who appealed for assistance show what an immense amount of suffering and hardship is endured even during a war as brief as the recent Spanish-American war.

Even if the people of the State should not approve of the extra taxation which the passage of the law contemplated by you will cause, I know that you will have a personal satisfaction in feeling that in passing the necessary act you will be performing a service to humanity of which you will always be proud.

You will recall the statement made by the Secretary of War, that Michigan's troops were more promptly and efficiently equipped than the volunteers of any other state. Whatever criticism may be made by those who permitted themselves to be controlled by a motive other than a sincere interest in the welfare of the soldiers, I desire to say that in directing every possible effort to be made to make our volunteers comfortable and to furnish them with clothing suitable to the climate and country to which they were to go; I was actuated solely by an earnest desire to sustain the reputation of the State and to perform my free duty to those of its citizens who had responded to the President's call.

Our State troops deserve every consideration which it is in your power to grant them. The history of the war when impartially written will show that they responded to the call more readily and promptly than the

volunteer soldiers of most of the states of the Union. Neither officers nor men shirked or hesitated, while in other states not only officers but whole companies and regiments failed to respond.

In other states not only was the response not so ready as in Michigan, but it is now known that the troops of very few states were as well equipped and as well treated as those of Michigan.

I call your attention to all these things because in legislating upon this subject, it is desirable that you should be reminded of the fact that the sick, disabled and needy soldiers, who are now appealing to you for assistance, are the ones who responded so readily, cheerfully and promptly, when their services were needed.

The private soldier received the sum of thirteen dollars per month, less than forty-five cents per day. At this time when the patriotic people of the country are voluntarily subscribing to a fund for the benefit of the widow of an American general who has fallen in action, we certainly cannot be criticised for responding to the appeals for help from volunteers who have stood in the ranks and whose names are unknown and whose deeds in battle are not recorded in history.

I therefore submit this matter to you, with my earnest recommendation that you pass such a law as will provide for the payment from the general fund of such claims of sick, disabled and needy ex-soldiers, sailors and marines of the late Spanish-American war as may be properly allowed and filed in the office of the Auditor General of the State on or before the 31st day of January, 1900.

I would make the additional recommendation that the Auditor General be given discretionary authority to allow, reduce or disallow such claims as may be filed with him. I do this because of the instances of excessive allowances which have been called to my attention, and which under the act passed by you at the regular session could not be corrected by the Auditor General or any other State authority.

Respectfully submitted,

H. S. PINGREE,

Governor.

The message was ordered spread on the Journal.

Mr. Duff, unanimous consent being given, introduced

House bill No. 15, entitled

A bill supplementary to act No. 134 of the public acts of 1899, entitled "An act for the relief of sick, disabled and needy ex-soldiers, sailors and marines of the late Spanish-American war."

The bill was read a first and second time by its title and, pending its reference to a committee,

Mr. Duff moved that the rules be suspended, and the bill be put upon its immediate passage.

Mr. Chamberlain demanded the yeas and nays.

The demand was seconded, and the motion prevailed, two-thirds of the members present voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Aldrich  
Anderson  
Babcock  
Baumgärtner

Mr. Gillette  
Goodell  
Goodrich  
Hart

Mr. Murphy  
Niedermeier  
Oberdorffer  
Pearson

Mr. Bryan	Mr. Hatzenbuehler	Mr. Phillips
Burdick	Heck	Read, J. H.
Burfoot	Heineman	Reed, G. W.
Buskirk	Herrig	Robinson
Caldwell	Hofmeister	Rulison
Chamberlain	Keep	Schmidt
Chandler	Kelly	Scully
Cheever	Kingott	Stewart
Colby	Laflamboy	Sutherland
Collins	Locher	Van Camp
Colvin	Lugers	Watters
Crosby	Lusk	Wayne
Dudley	McCall	Wells
Duff	McLean	Weter
Eikhoff	Mason	Whitney
Foster	Miller	Wood
Gillam	Moore	Speaker

63

## NAYS.

Mr. Alward	Mr. Goodyear	Mr. Reed, W. A.
Brownell	Hammond	Shisler
Davis	Howell	Stumpenhusen
Dingley	McKay	Taziman
Doyle	Nash	Waterbury
Fleischhauer	Randall	Weier

18

The question being on the passage of the bill,

The bill was then read a third time and pending the taking of the vote on the passage thereof,

Mr. Randall moved to amend the bill by striking out the words "seventy-five thousand," and inserting the words "forty thousand" in lieu thereof,

Which motion prevailed.

Mr. Phillips moved that the bill be further amended by adding at the end of the bill the words "or, in his discretion, in such proportion as shall be determined by him to be just and equitable,"

Which motion prevailed.

The question being on the passage of the bill,

The bill was then passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich	Mr. Gillam	Mr. Murphy
Anderson	Gillette	Oberdorffer
Baumgaertner	Goodell	Pearson
Bryan	Goodrich	Phillips
Burch	Hart	Randall
Burdick	Hatzenbuehler	Read, J. H.

Mr. Burfoot	Mr. Heck	Mr. Reed, G. W.
Buskirk	Heineman	Robinson
Caldwell	Herrig	Rulison
Chamberlain	Hofmeister	Schmidt
Chandler	Keep	Scully
Cheever	Kelly	Soper
Colby	Kingott	Stewart
Collins	Laflamboy	Sutherland
Colvin	Locher	Van Camp
Crosby	Lugers	Watters
Davis	Lusk	Wayne
Dingley	McCall	Wells
Dudley	McLean	Weter
Duff	Mason	Whitney
Eikhoff	Miller	Woodruff
Foster	Moore	Speaker

66

## NAYS.

Mr. Alward	Mr. Howell	Mr. Shisler
Brownell	McKay	Stumpenhusen
Doyle	Reed, W. A.	Weier
Goodyear		

10

Title agreed to.

Mr. Duff moved that the bill be ordered to take immediate effect,

Which motion did not prevail, two-thirds of all the members elect not voting therefor.

Mr. Heck offered the following:

Whereas, A grand jury has been called by the judge of the circuit court for the county of Ingham to investigate certain charges of official misconduct and malfeasance in office on the part of certain persons holding State offices in this State and charges of bribing and corrupting State officers and of aiding and abetting in the commission of frauds upon the State, which has involved the said county of Ingham in considerable expense and is liable to involve still further expense which ought to be borne by the State rather than the county of Ingham; therefore be it

Resolved, by the House (the Senate concurring), That it is the sense of the Legislature that the Board of State Auditors should investigate, audit and allow all lawful and just expenses incurred by said county of Ingham in the matter of such grand jury investigation and in the trial of all persons holding, or who may have held any State office, upon any indictment found by said grand jury for official misconduct or malfeasance in office or for bribing or for corrupting State officers or for aiding and abetting the commission of any fraud upon the State, including the reasonable compensation to the counsel who shall be appointed by said court to assist in such investigation and trials.

Laid over one day under the rules.

## UNFINISHED BUSINESS.

Being the consideration of the following:

Resolved by the House (the Senate concurring), That, in addition to the compensation, mileage and allowance for stationary as fixed by the law,

for members representing the several senatorial and representative districts in the Upper Peninsula, there shall be allowed and paid two dollars per diem extra compensation during the present extraordinary session of the Legislature.

The question being on the adoption of the resolution,

Mr. Niedermeier demanded the yeas and nays.

The demand was seconded, and the resolution was not adopted, by yeas and nays, as follows:

## YEAS.

Mr. Bryan  
Burch  
Caldwell  
Carton  
Cheever  
Collins  
Croshy  
Dudley

Mr. Duff  
Fleischhauer  
Gillam  
Goodell  
Gustin  
Keep  
Kelly

Mr. McCall  
McKay  
Pearson  
Wayne  
Whitney  
Wood  
Speaker

22

## NAYS.

Mr. Aldrich  
Babcock  
Baumgærtner  
Brownell  
Burdick  
Burfoot  
Buskirk  
Colby  
Colvin  
Dingley  
Doyle  
Eikhoff  
Gillette  
Goodrich  
Goodyear  
Hall  
Hammond

Mr. Hatzenbuehler  
Hofmeister  
Howell  
Kingott  
Lafamboy  
Locher  
Lugers  
Lusk  
McLean  
Mason  
Miller  
Murphy  
Nash  
Niedermeier  
Phillips  
Randall  
Read, J. H.

Mr. Reed, W. A.  
Robinson  
Schmidt  
Scully  
Shisler  
Soper  
Stewart  
Stumpenhusen  
Sutherland  
Taziman  
Van Camp  
Weier  
Wells  
Weter  
Wheeler  
Woodruff

50

On motion of Mr. Dingley,

The House took a recess until 11:30 o'clock this morning.

## AFTER RECESS.

11:30 o'clock a. m.

The House was called to order by the Speaker.

A quorum present.

The Speaker announced the following:



EXECUTIVE OFFICE,  
Lansing, January 5, 1900.

To the House of Representatives:

I have the honor to acknowledge the receipt of your resolution passed yesterday requesting me to communicate to you whether or not in my judgment some action ought to be taken by the Legislature for the purpose of reimbursing the county of Ingham for the costs and expenses of the investigations of the grand jury now in session in Ingham county and the trials of the cases of any indictments found. This resolution passed your body by a majority of only two votes. I desire to call your attention to a present statute of the State being an act providing for the expenses of the trials of persons holding or who may have held State offices for malfeasance in office, being section 12021 of the Compiled Laws of 1897.

The act in full is as follows:

"The People of the State of Michigan enact, That the expenses of all prosecutions against persons holding, or who may have held, any State office under the constitution of the State, for malfeasance in office, shall be paid from the general fund, by the State Treasurer; and the Board of State Auditors are hereby authorized and empowered to allow all just and legal claims for such prosecutions, and this act shall be deemed to apply to the expenses of any prosecutions already commenced, as well as to any which may occur in the future."

I am advised that this act will authorize the payment by the State of the expenses relating to all but two of the indictments returned by the grand jury. The court officials of Ingham county tell me that there is some question whether this statute covers the expenses of the grand jury itself, prior to the presenting of indictments. I have, however, not been furnished with a statement showing what this expense will amount to.

The statute which is quoted above has been in force since 1861 and has been up to this time deemed sufficient to cover all cases in which the State might be interested.

I am charged with the duty of representing the State of Michigan in this matter, and under the constitution of the State you share with me that responsibility. It is our duty to consider this matter calmly, with a view to protecting the interests of the State with as much care and caution as we would in the case of any other expenditure.

I am of the opinion, and the narrow majority by which your resolution was passed indicates that there are many who agree with me, that no change should at this time be made in the law covering this matter which has been in existence so many years. This is a business question in which the State of Michigan is interested, as a party on one side, and the county of Ingham on the other side, and I do not believe that there is a single member of your House who would in the management of his business affairs provide for the payment of an obligation until the service itself had been performed.

There seems to be no reason why this matter cannot be treated as a business proposition and be permitted to rest until the next session of the Legislature. It will be conceded that the trials of the cases in which indictments have already been presented will consume the greater part of the coming year. While I know that it is the custom, and in many cases the disposition, of newspapers to try cases in which public officials are involved before they are tried in the courts, yet I think you will agree with me that no one who is actuated by a sincere and honest desire to do

full justice will accept the statements and conclusions of newspapers as the actual truth. I, therefore, am of the opinion that neither the Board of State Auditors, nor any other authority would be justified in acting upon accounts submitted to it until the work has been fully performed.

No good reason has been given me why these cases cannot be prosecuted diligently and faithfully to their end and the account for the expenses connected therewith submitted to the State authorities when the work is completed. If they are then found to be proper and just claims against the State the next Legislature can authorize their payment provided the present law is not broad enough to cover them.

In conclusion I would say that I am unable to understand why there should be so urgent and insistent a demand made for action at this time.

I regret, therefore, that in the discharge of what I believe to be my duty to the people of the State, I must respectfully decline to submit this matter to you for your action.

Respectfully submitted,  
H. S. PINGREE,  
Governor.

The message was ordered spread on the Journal.

Mr. Heck moved that the rules be suspended and that the following resolution be put upon its immediate consideration:

Whereas, A grand jury has been called by the judge of the circuit court for the county of Ingham to investigate certain charges of official misconduct and malfeasance in office on the part of certain persons holding State offices in this State and charges of bribing and corrupting State officers and of aiding and abetting in the commission of frauds upon the State, which has involved the said county of Ingham in considerable expense and is liable to involve still further expense which ought to be borne by the State rather than the county of Ingham; therefore be it

Resolved, by the House (the Senate concurring), That it is the sense of the Legislature that the Board of State Auditors shall investigate, audit and allow all lawful and just expenses incurred by said county of Ingham in the matter of such grand jury investigation and in the trial of all persons holding, or who may have held any State office, upon any indictment found by said grand jury for official misconduct or malfeasance in office or for bribing or for corrupting State officers or for aiding and abetting the commission of any fraud upon the State, including the reasonable compensation to the counsel who shall be appointed by the said court to assist in such investigation and trials.

On which motion,

Mr. Heck demanded the yeas and nays.

The demand was seconded, and the motion prevailed, two-thirds of the members present voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Aldrich  
Alward  
Babcock  
Baumgärtner  
Burfoot  
Buskirk  
Caldwell

Mr. Goodyear  
Gustin  
Hall  
Hammond  
Hart  
Hatzenbuehler  
Heck

Mr. Nash  
Nevins  
Niedermeier  
Oberdorffer  
Phillips  
Read, J. H.  
Reed, W. A.

Mr. Carton	Mr. Heineman	Mr. Rulison
Chamberlain	Herrig	Schmidt
Chandler	Howell	Scully
Cheever	Kelly	Soper
Colby	Kingott	Stewart
Collins	Laflamboy	Stumpenhusen
Colvin	Locher	Taziman
Crosby	Lugers	Waterbury
Davis	McCall	Watters
Dingley	McKay	Weier
Dudley	Mason	Wheeler
Gillam	Miller	Whitney
Gillette	Moore	Wood
Goodell	Murphy	Speaker
Goodrich		

63

## NAYS.

Mr. Bryan	Mr. McLean	Mr. Wells
Burdick	Pearson	Weter
Lusk		

7

The question being on the adoption of the resolution,

Mr. Heck demanded the yeas and nays.

The demand was seconded, and

Pending discussion,

Mr. McKay demanded the previous question.

The demand was seconded.

The question being shall the main question be now put,

The same was ordered.

The resolution was then adopted, by yeas and nays, as follows:

## YEAS.

Mr. Aldrich	Mr. Goodrich	Mr. Niedermeier
Alward	Goodyear	Oberdorffer
Babcock	Gustin	Phillips
Baumgärtner	Hall	Randall
Brownell	Hammond	Read, J. H.
Bryan	Hart	Reed, W. A.
Burfoot	Hatzenbuehler	Rulison
Buskirk	Heck	Schmidt
Caldwell	Heineman	Scully
Carton	Herrig	Shisler
Chamberlain	Howell	Soper
Chandler	Kelly	Stewart
Cheever	Kingott	Stumpenhusen
Colby	Laflamboy	Sutherland
Collins	Locher	Taziman
Colvin	Lugers	Waterbury
Crosby	Lusk	Watters
Davis	McCall	Weier
Dingley	McKay	Wells

Mr. Dudley  
Duff  
Gillam  
Gillette  
Goodell

Mr. Mason  
Miller  
Moore  
Murphy  
Nash

Mr. Weter  
Whitney  
Wood  
Woodruff  
Speaker

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## NAYS.

Mr. Burdick

Mr. Pearson

2

Mr Dudley moved that the House adjourn,  
Which motion did not prevail.  
On motion of Mr. Alward,  
The House took a recess until 1:30 o'clock this afternoon.

## AFTERNOON SESSION.

1:30 o'clock p. m.

The House met and was called to order by the Speaker.  
A quorum present.

## MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, January 5, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following concurrent resolution:

Whereas, Agrand jury has been called by the judge of the circuit court for the county of Ingham to investigate certain charges of official misconduct and malfeasance in office on the part of certain persons holding State offices in this State and charges of bribing and corrupting State officers and of aiding and abetting in the commission of frauds upon the State, which has involved the said county of Ingham in considerable expense and is liable to involve still further expense which ought to be borne by the State rather than the county of Ingham; therefore be it

Resolved, by the House (the Senate concurring), That it is the sense of the Legislature that the Board of State Auditors shall investigate, audit and allow all lawful and just expenses incurred by said county of Ingham in the matter of such grand jury investigation and in the trial of all persons holding, or who may have held any State office, upon any indictment found by said grand jury for official misconduct or malfeasance in office or for bribing or for corrupting State officers or for aiding and abetting the commission of any fraud upon the State, including the reasonable

compensation to the counsel who shall be appointed by the said court to assist in such investigation and trials.

And to inform the House that the Senate has concurred in the adoption of the resolution.

Very respectfully,

CHARLES S. PIERCE,  
Secretary of the Senate.

The resolution was referred for enrollment under the rules.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, January 5, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following bill:

House bill No. 15, entitled

A bill supplementary to act No. 134 of the public acts of 1899, entitled "An act for the relief of sick, disabled and needy ex-soldiers, sailors and marines of the late Spanish-American war."

And to inform the House that in the passage of the bill the Senate has concurred, and has ordered the bill to take immediate effect.

Very respectfully,

CHARLES S. PIERCE,  
Secretary of the Senate.

The bill was then referred for enrollment and presentation to the Governor, under the rules.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, January 5, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following bill:

House bill No. 14, entitled

A bill to repeal act No. 417 of the local acts of 1899, entitled "An act to change the name of fractional school district No. 2 of Plymouth and Novi townships in the counties of Wayne and Oakland, in the State of Michigan, to fractional school district No. 1 of Northville and Novi townships and to add new territory thereto,"

And to inform the House that in the passage of the bill the Senate has concurred, and has also concurred in ordering the bill to take immediate effect.

Very respectfully,

CHARLES S. PIERCE,  
Secretary of the Senate.

The bill was then referred for enrollment and presentation to the Governor, under the rules.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, January 5, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following bill:

House bill No. 13, entitled

A bill to authorize the city of Ionia to borrow thirty thousand dollars and to issue bonds of the city therefor to pay outstanding city bonds;

And to inform the House that in the passage of the bill the Senate has concurred, and has also concurred in ordering the bill to take immediate effect.

Very respectfully,  
CHARLES S. PIERCE,  
Secretary of the Senate.

The bill was then referred for enrollment and presentation to the Governor, under the rules.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, January 5, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following bill:

House bill No. 12, entitled

A bill to authorize the township board of the township of Springwells in the county of Wayne, to borrow a sum of money not to exceed twenty thousand dollars in the year 1900, for the purpose of paying its proportion of the cost of constructing a bridge over the Rouge River on Fort street in said township, and to pay the present outstanding obligations and indebtedness of said township, and to issue bonds therefor;

And to inform the House that in the passage of the bill the Senate has concurred, and has also concurred in ordering the bill to take immediate effect.

Very respectfully,  
CHARLES S. PIERCE,  
Secretary of the Senate.

The bill was then referred for enrollment and presentation to the Governor, under the rules.

Mr. Chamberlain (for Mr. Cheever) offered the following:

Resolved, That the thanks of this House be tendered Mr. Adams, Speaker of this House, for his uniform courtesies and impartial treatment accorded the members.

Which was unanimously adopted.

Mr. Chamberlain moved that a committee of three be appointed to wait on His Excellency, the Governor, and inform him that the House has finished its business, and inquire if he has any further communication to make.

Which motion prevailed, and the Speaker appointed as such committee Messrs. Chamberlain, Colby and Scully.

Mr. Fleischhauer moved that when the House adjourns today, it stand adjourned until 11:45 o'clock tomorrow morning.

Which motion prevailed.

The Sergeant-at-Arms announced a committee of the House who reported that they had performed the duty assigned them, and that His Excellency, the Governor, had informed them that he had no further communication to make, and were discharged.

Mr. Fleischhauer moved that the House adjourn,

Which motion prevailed, and

The Speaker declared the House adjourned until 11:45 o'clock a. m., tomorrow.

REPRESENTATIVE HALL, LANSING.

Saturday, January 6, 1900.

The House met pursuant to adjournment and was called to order by the Speaker pro tem.

Roll called: not a quorum present.

The following members answered to their names: Messrs. Gillam, Heck, and Stumpfenhusen.

By the Clerk:

I have to report that I have this day enrolled, compared and presented to the Governor,

House joint resolution, No. 4, entitled

Joint resolution empowering the Attorney General to investigate and bring such legal proceedings as the law may warrant to recover the value of property alleged to have been fraudulently obtained from the State upon the sale of certain military goods and supplies, and to reimburse the State for damages occasioned by a fraud alleged to have been perpetrated upon the State in the sale and purchase of military goods and supplies.

In accordance with the rules and order of the House: the receipt for the same being dated 11:55 a. m., January 6, 1900.

LEWIS M. MILLER,

Clerk of the House.

By the Clerk:

I have to report that I have this day enrolled, compared and presented to the Governor,

House bill No. 13, entitled

An act to authorize the city of Ionia to borrow thirty thousand dollars and to issue the bonds of the city therefor to pay outstanding city bonds.

In accordance with the rules and order of the House: the receipt for the same being dated 11:55 a. m., January 6, 1900.

LEWIS M. MILLER,

Clerk of the House.

By the Clerk:

I have to report that I have this day enrolled, compared and presented to the Governor,

House bill No. 12, entitled

An act to authorize the township board of the township of Springwells, in the county of Wayne, to borrow a sum of money not to exceed twenty thousand dollars in the year nineteen hundred, for the purpose of paying its proportion of the cost of constructing a bridge over the Rouge River on Fort street in said township, and to pay the present outstanding obligations and indebtedness of said township and to issue bonds therefor,

In accordance with the rules and order of the House: the receipt for the same being dated 11:55 a. m., January 6, 1900.

LEWIS M. MILLER,  
Clerk of the House.

By the Clerk:

I have to report that I have this day enrolled, compared and presented to the Governor,

House bill No. 15, entitled

An act supplementary to act No. 134, of the public acts of 1899, entitled "An act for the relief of sick, disabled and needy ex-soldiers, sailors and marines of the late Spanish-American war,"

In accordance with the rules and order of the House: the receipt for the same being dated 11:55 a. m., January 6, 1900.

LEWIS M. MILLER,  
Clerk of the House.

By the Clerk:

I have to report that I have this day enrolled, compared and presented to the Governor,

House bill No. 14, entitled

An act to repeal act No. 417 of the local acts of 1899, entitled "An act to change the name of fractional school district No. 2 of Plymouth and Novi townships in the counties of Wayne and Oakland, in the State of Michigan, to fractional school district No. 1 of Northville and Novi townships and to add new territory thereto,"

In accordance with the rules and order of the House: the receipt for the same being dated 11:55 a. m., January 6, 1900.

LEWIS M. MILLER,  
Clerk of the House.

#### MESSAGES FROM THE GOVERNOR.

The Speaker pro tem. announced the following:

EXECUTIVE OFFICE,  
Lansing, January 5, 1900.

To the Speaker of the House of Representatives:

Sir—I have this day approved, signed and deposited in the office of the Secretary of State,

House bill No. 8, being

An act to amend section 1 of act No. 445 of the local acts of 1899, entitled "An act to authorize the city of Grand Rapids in the county of



Kent and State of Michigan, to borrow money to be expended in the construction of a bridge across Grand River at Bridge street in said city, approved June 15, 1899."

Respectfully,  
H. S. PINGREE,  
Governor.

The message was ordered spread on the Journal.

MESSAGES FROM THE SENATE.

The Speaker pro tem. announced the following:

SENATE CHAMBER,  
Lansing, January 5, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following joint resolution:

House joint resolution No. 1 (file No. 1), entitled

Joint resolution proposing amendments to sections 10, 11 and 13 of article 14 of the constitution relative to the taxation of corporations;

Also,

House bill No. 7, entitled

A bill to provide for the collection of specific taxes from the mining companies of the Upper Peninsula;

And to inform the House that in the passage of the said joint resolution and bill the Senate has not concurred.

Very respectfully,  
CHARLES S. PIERCE,  
Secretary of the Senate.

The two bills were laid on the table.

No further business appearing, and the hour of 12 o'clock noon having arrived,

The Speaker pro tem declared the House adjourned *sine die*.

HOUSE OF REPRESENTATIVES,  
Lansing, January 6, 1900.

I hereby certify that the foregoing journal of the proceedings of the House of Representatives of the Legislature of Michigan, for the extraordinary session of 1899-1900, is a correct journal thereof.

And I further certify that the foregoing supplement thereto is a correct copy of the proceedings of the committee on the Revision of the Statutes, ordered taken by the House stenographers and printed in connection with the Journal of the House.

LEWIS M. MILLER,  
Clerk of the House of Representatives.



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